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PROHIBITION

Its Relation to

TEMPERANCE, GOOD MORALS *and* SOUND GOVERNMENT

SELECTIONS

From the

Writings of Men who have given Thought and Study to this question from the standpoint of both Theory and Practice

Compiled by

JOSEPH DEBAR

CINCINNATI, O.

8972
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PREFACE

INTO all great controversies which agitate the public mind, there enter always many questions which cloud the vision and obscure the understanding of those who have no fixed views of their own, and are endeavoring to learn the truth.

Such honest seekers after knowledge naturally turn to the libraries for books which they hope will enlighten them.

It is the purpose of this volume to aid those, who, without prejudice, desire to ascertain the views of men who have studied the question of Prohibition from many angles—not from the standpoint of emotionalism, nor yet for any purpose of sensationalism, but from the strong vantage ground of practical common sense.

Some of the articles offered in these pages were apparently written for use in local campaigns; they bear evidences of local color, and are reproduced for the general argument contained in them, rather than for the specific views which they set forth.

In making selections, the compiler of this work has chosen what to him bore the ear-marks of sincerity, reason, and logic. Appeals to the passions of men and women were not favorably considered.

He trusts and believes that this book may do much to fill a want among sincere students who incline to a rational solution of a greatly overwrought question.

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First Half-Century of Prohibition in America

During the colonial days nearly all of the colonies from Maine to Georgia enacted, at different times, laws prohibiting, in various ways, the manufacture and sale of liquors, and in some instances of tobacco also. These laws were uniformly disregarded, and were productive of numerous evil consequences. So impossible was it to enforce them, and so great were the abuses growing out of them, that they rarely remained upon the statute books more than a few years. Such experiments were repeated from time to time, always with like results, until towards the Revolution, when they were given up.

The colonial experience with prohibitory laws so impressed the people that during the first seventy years of independence little or no effort was made in the direction of prohibition.

Between 1850 and 1860, however, there was a revival of prohibitory efforts, and laws were enacted in various States forbidding the manufacture and sale of intoxicating liquors.

Maine adopted prohibition in 1851, and still has it on her books, but it has never been enforced, and in the towns and cities of that State the open saloon is as familiar and public as in any State of the Union.

Vermont followed Maine in 1852 by the adoption of prohibitory laws, and kept them continually on her statute

books for half a century. In the effort to enforce these laws severe and unusual punishments, search without warrant, and denial of trial by jury were resorted to, the accused was forced to testify against himself, the courts became prosecuting officers, and a process of injunction was adopted ruinous to innocent parties. Three convictions were allowed for a single offense, and informers were stimulated by fees and shares of fines—and all to no purpose. Intemperance and contempt of law steadily increased. In 1902, at the end of fifty years, the report of the United States Commissioner of Internal Revenue showed that one United States license to sell liquor was issued for every 120 voters in the State. In the fall of 1902 a movement was inaugurated looking to the adoption of a license system. The campaign which terminated in the overthrow of prohibition was in many respects remarkable. Arrayed on the side of license were the progressive elements of the State, supported by men in all walks of life, of the best thought and highest morals—men profoundly impressed with the futility and bad results of the law. Arrayed with the prohibitionists were the illicit liquor sellers, who preferred the unrestricted sale under prohibition to a regulated trade under license.

On four separate occasions during the campaign the voters of the State showed their disapproval of prohibition—in the caucuses, in the Legislature, in the election when they voted on the question direct, and finally when the towns voted on license, March 3, 1903. On the last occasion eighty-seven towns—all in the State of any size—declared for license.

New Hampshire adopted statutory prohibition in 1855. For thirty-four years every effort was made to enforce it, with results so far from satisfactory and so injurious that at a popular election for the adoption of a prohibitory amendment to the State Constitution held April 12, 1889,

the amendment was defeated by an enormous majority. Two counties only in the entire State gave it majorities.

On March 18, 1903, the lower house of the Legislature passed a license bill by a vote of 214 to 107. A few days later the bill passed the Senate by a vote of three to one, and on March 27 received executive approval and license became the law of the State. The cities of the State stood overwhelmingly for license, their vote in the Legislature being 121 to 8 in its favor. More noteworthy is the fact that the rural members, taken separately, voted for license in the proportion of 97 to 76. Representatives of both political parties were also in a majority in favor of license.

Massachusetts tried prohibition from 1855 to 1870. She found the law vain and injurious, and, upon the testimony of her governors and best citizens, fatally hurtful to the cause of temperance. After fifteen years of earnest trial she also repudiated the law, and when in April, 1889, a strenuous effort was made to again engraft prohibition upon the Constitution of the State it failed. The farming population threw its weight with that of the cities against the amendment. One town only in the Commonwealth gave it a majority.

The campaign was one of exceptional interest. The terms and time of the fight were dictated by the prohibitionists. They were ably led and their cause was advocated by hundreds of speakers. They deluged the State with literature and brought into action an army of workers remarkable for its numbers. No method known to the politician was left untried in the efforts to carry prohibition.

As elsewhere, the prohibitionists tried to make it appear that all morality was on their side, all immorality opposed to them. This assumption failed of its purpose.

The influential journals of the State, almost to a unit against the amendment, exposed the fallacy, and threw their influence in behalf of license. Profiting by past expe-

rience, they fought with a vigor born of conviction. The religious papers joined hands with the powerful dailies, and, making conscience of the fight, the *Christian Union,* the *Congregationalist,* and the *Christian Register* hurled their thunder against the adoption of the amendment.

Nor was the press unsupported by the church. Many scores of the most eminent clergymen of the Commonwealth, comprising the brains, the dignity and the worth of the ministry of the State, united in remonstrances against the adoption of prohibition. Among the ministers so remonstrating were such men as Rev. Dr. Phillips Brooks, Rev. Dr. Savage, Rev. Dr. Brooks Hereford, Rev. Dr. Cyrus Bartol, Rev. Dr. Peabody, and the Rev. Father Conaty, the president of the Catholic National Total Abstinence Society of America, and many others of celebrity—men revered for character and purity of motive. Many of these great divines preached from their pulpits against the fanaticism. United with them in the crusade against prohibition were five of the seven colleges of the State. President Eliot, of Harvard, in an open letter condemned the effort to make men good by law.

The opposition to the amendment was none the less remarkable among the lawyers, either in vigor or in character of those opposed. A protest signed by nearly five hundred of the ablest members of the bar, including such names of national reputation as E. R. Hoar, ex-Governor Russell, Charles Theodore Russell, ex-Governor Gardiner, ex-Governor Rice, Patrick Collins, and others equally known, was sent broadcast throughout the Commonwealth.

Following the protest of the lawyers came one of the physicians, headed by Oliver Wendell Holmes, and subscribed to by nearly all the eminent doctors of the State.

The merchants and business men, appreciating the disaster that would follow prohibition, also united in a re-

monstrance to which were appended nearly one thousand names.

Labor united with capital in hostility to prohibition. The labor leaders, declaring it their belief that the adoption of the amendment would seriously affect the interests of laboring men, urged its defeat.

The remonstrances, supported by the great names signed to them, coincided with the experience of the people who had tried prohibition and knew by its fruits what it was. Statistics were not wanting to show its evil effects when it was formerly the law of the State. These statistics were above suspicion, as they were prepared under the order of the Governor and Legislature by the Hon. Carroll D. Wright, one of the most eminent and reliable statisticians of America. They show the alarming extent of intemperance under prohibition, and the rapid decrease of drunkenness when the prohibitory statute was replaced by a license law.

The tax question cut a considerable figure in the campaign. The enormous loss of revenue from licenses and the consequent heavy increase in taxes were so obvious that the prohibitionists did not attempt to argue on this question. United with the prohibitionists were the low saloon and dive keepers of the State, and these strove for prohibition with a zeal worthy of a higher motive and a better cause. They worked for prohibition in order that there might be no license, and that under prohibition they might have an opportunity of conducting an illegal and surreptitious traffic. They could not conduct such illegal business while other men held licenses, because no man would sneak through alleys and by-ways to patronize them. This fact convinced earnest and conservative people that prohibition meant unrestricted traffic, and the amendment was defeated by 44,552 majority.

In 1853 Rhode Island adopted prohibition, and for ten

years gave it the fairest trial possible. In 1863 the results had been so injurious that the law was repealed. Not satisfied with the first experience, she again adopted prohibition in 1886. The second experiment proved far more disastrous than the first, and in June, 1889, the people of that State repudiated prohibition at the polls by the enormous majority of 18,597 out of a total vote of less than 38,000, the vote cast against prohibition being nearly three to every one in its favor. When the law was adopted in 1886 it had a majority of 5,883. Three years of experience had, therefore, changed the views of more than four-fifths of the voters of the State on this subject. History does not present any more striking change of public opinion upon any subject.

As early as 1854 Connecticut placed prohibition in the organic law of the State, and for eighteen years used the utmost power of the Commonwealth for its enforcement, and finally gave up the experiment in 1872. In October, 1889, an effort was made to again engraft prohibition upon the State Constitution, and resulted in an inglorious failure, nearly three votes to one being cast against the measure.

New York passed prohibitory laws in 1854, tried them for two years, and gave up the experiment as hopeless.

The first attempt at prohibition in Pennsylvania was made in June, 1889. The question was thoroughly discussed throughout the State, and after thorough enlightenment the Keystone State declared by a majority of 194,556—the greatest ever cast by any State on any subject since the foundation of the Union—that the law was not suited to it or helpful to the cause of temperance.

In 1855 Maryland adopted prohibition. In no State was the result so disastrous and so freighted with evils. Bad results followed the law so rapidly that after a few months' trial it was repealed, and there has been no dis-

position on the part of that State to repeat the severe lesson it then received.

In the same year Delaware adopted prohibition, and tried for two years to enforce it, but in 1857 gave up the effort, and has since shown no inclination to again try the experiment.

Ohio also repeated the bitter experience. The law in that State, which was adopted in 1855, was short-lived, and was wiped from the statute books during the same year.

Among the States which persisted in the experiment of prohibition Michigan may be enumerated. This State adopted the law in 1853, and for twenty-two years endeavored by the whole power of the State and by extraordinary police laws and regulations to enforce it, only to find the effort futile. She abandoned the policy in 1875, and when a faction endeavored to again saddle it upon the State in 1887 the people overwhelmed it at the polls. In the words of Gen. R. A. Alger, "You can not talk prohibition to the people of Michigan. They have tried it and know what a dire failure it is."

Indiana passed prohibitory measures in 1855. They were never enforced, and were soon abandoned. In 1882 a second effort was made to impose prohibition on the State, but was defeated by the biggest majority cast in that State on any question for twenty years.

Nebraska in the same year adopted prohibition, but its enforcement was found impossible, and it was soon repealed. A second effort was made in 1880, and was defeated by a decisive majority of 45,000.

The Legislature of Illinois enacted a prohibitory law in 1855, but it was so unpopular with the people of the State that in the election in the fall of the same year both the law and its champions were buried.

Twice the effort was made to fasten prohibition on Wisconsin, and twice the governor interposed his veto, with

the hearty concurrence of the people. This was in 1855. Since that time a more liberal spirit has guided the State.

Under prohibition Iowa witnessed an exodus of her population, a depression in her commercial interests, accompanied by great moral retrogression and a complete revolution in her political status. The law was enacted in 1884. So calamitous were the results that in obedience to overwhelming popular demand it was modified and practically abandoned a few years ago.

Kansas has been under prohibitory laws for the past twenty-two years, having adopted them in 1882. That they are ineffective is demonstrated by the open saloons and secret joints in all the towns and cities of the State. That they are detrimental to the welfare of the State is proved by the depression in her commercial, manufacturing, and industrial enterprises, and by the enormous tax rates prevalent, ranging from four to eight per cent. That they have not been beneficial to the moral tone of the State is evinced by the fact that thousands of the best men of the State earnestly advocate the overthrow of the law.

An effort was made in 1887 to put prohibition into the Constitution of Texas and failed by a majority of 92,661.

A few months later a similar effort was made in Tennessee, and was likewise overwhelmed by a majority of 27,693.

In the fall of the same year Oregon submitted a prohibitory amendment, which shared a similar fare, fully two-thirds of the voters of the State casting their ballots against it.

In November, 1888, West Virginia voted on the question. The subject was thoroughly discussed, investigations into the workings of the law in other States were carefully made, and a full vote was polled, resulting in the defeat of the amendment by a majority of 35,574. Only two counties in the State gave prohibition majorities.

North Dakota adopted prohibition in 1889 by a scant majority of 1,159. The experience of the State has been the usual one. The law has not been enforced. The sale of liquors has in no way diminished, and the only effect has been the substitution of the unlicensed, irresponsible secret joint for the open, regulated saloon.

South Dakota adopted prohibition in 1889. Every possible means was exhausted in an unavailing effort to enforce it. Without decreasing the sale of liquors, serious evils sprang up as an outgrowth of the law. The development of the State, which had been phenomenal during the ten years prior to the adoption of the measure, was brought to a standstill. In 1896 prohibition was overwhelmingly rejected and the State returned to a license.

The experience of communities which have tried local prohibition or local option differs in no way from that of the States which have tried prohibition. It has uniformly failed to prohibit and brought in its wake a long train of attendant evils and disaster. From 1890 to 1903, 1,853 communities have voted on the subject of local option. In 510 of these communities local option was defeated. In the remaining 1,343 communities local option carried. In a few of these commmunities elections have been held frequently, with results alternating between license and prohibition.

In 592 communities local option is nominally in force, but in a few, if any, is there any real enforcement, while the towns have suffered severely.

In 751 communities in which at the first election local option carried it has since been defeated, the communities being satisfied by experience that it was a failure. The aggregate majorities in favor of local option in all such communities at the first election on the subject was 108,942. The aggregate majorities for license in the same communities when local option was repudiated was 159,611.

Notable among the communities adopting local option

was the city of Atlanta. In less than two years this city saw 1,100 of its houses vacant, its debt enlarged, its taxes increased, and drunkenness more riotous than had ever before been known. With the promptness that the case demanded the city repudiated the law in November, 1887, by a majority which left little hope of ever again imposing it upon her people.

Prohibition has been no more successful in Canada than in the United States. A few years ago a law was passed similar to those in force in the States of the Union, and was given a sincere and earnest trial. In April, 1889, it was repealed. Every town and city in Canada which voted on that day rejected prohibition.

Thomas Jefferson knew human nature when he said: "Tell any man he shall not do a thing or have a thing, and that thing becomes the very one which he wishes to do or have." The fruit of only one tree in the Garden of Eden was forbidden, yet Adam and Eve ate of that tree.

The Roman Empire tried to destroy wine culture in Gaul and ignominiously failed.

In the early days of Rome women were forbidden to drink wine, and Seneca bitterly laments the violation of the law.

In the eleventh century it was declared a capital offense to sell drink in Scotland. The houses of the liquor dealers were burned and they themselves banished. In less than a generation, under the effect of this law, drunkenness became more general and common in Scotland than it has ever been in any other country in the world.

In England by act (9 George II. Ch. 23) a law prohibitive in effect was enacted. Of the effect of this law Smollet says: "The populace soon broke through all restraint. Though no license was obtained and no duty paid, liquor continued to be sold in all corners of the streets, and the consumption considerably increased every year." When in

1743 this act was repealed it was shown that the consumption of spirits had increased during the life of the act from 527,000 gallons in 1864 to 7,160,000 gallons in 1742. Herbert Spencer, commenting on the effect of the act, says: "Beyond the encouragement of fraud, lying, malice, cruelty, murder, contempt of law and conspicuous crookedness, multitudinous other evils were caused or augmented and indirect demoralization was added to a direct increase of the vice aimed at."

KANSAS TESTIMONY.

Wellington (Kansas) Standard.

"We have been asked to give a few reasons in support of our assertion that the prohibition law in this State is a failure.

"We comply with the request, and state below some of the facts that have weighed materially with us:

"In our judgment the prohibition law is a failure.

"Because it does not prohibit.

"Because it is not enforced in a half-dozen counties in the State.

"Because the sentiment of the people is against its enforcement, and such being the case local officers can not secure convictions under it.

"Because it does not stop the sale of liquor, inasmuch as it is patent to all who care to know that all who want whisky can obtain it.

"Because it simply transfers the sale of liquor from licensed saloon keepers to Missouri wholesalers and brewers, and throws the retail business in the hands of jointists, bootleggers, and men who have no interest in good order, morality or taxation.

"Because many men who talk prohibition on the street

and in church receive whisky by express, and drink it as they always did.

"Because these same men are hypocrites, and this law, which they created, partakes of their nature.

"Because men who will lie on no other occasion go to drug stores and lie like Trojans to obtain liquor under the law.

"Because, in order to secure a conviction under it, witnesses must be secured to testify that they have purchased liquor of the defendant, which is almost impossible. Men will not go back on their 'friends.'

"Because even when that is accomplished juries not infrequently shirk their duty to abide by the evidence, and one whisky man often 'holds out' on eleven prohibitionists and secures the acquittal of the offender.

"Because under its workings whisky is sold, and no one but the Government realizes a license from its sale.

"Because its enforcement is worse than a mockery in every large city in the State, in many of which bars are run openly.

"Because everybody is aware of this state of affairs, and a contempt for all law is bred and fostered.

"Because fruitless efforts to convict known offenders roll up taxes upon law-abiding citizens.

"Because in the city of Wellington, for instance, city officers, realizing that whisky is sold, and feeling that they can not convict offenders, override all law and exact a tribute from joints in the way of monthly fines, and by so doing become breakers of the law themselves and bring the city into disrepute.

"Because the same feeling and same line of action obtains elsewhere.

"Because the jointist is as slippery as an eel and as hard to catch. The man who sells liquor and 'uses' around the premises is not the 'proprietor.' That individual is usually

at church or on the streets enjoying himself and mingling with prohibitionists. His joint sees him but seldom.

"Because joints sell fluid for whisky that ruins a drinker physically in a few months.

"Because it retards immigration, and sends lovers of personal liberty to less favored States.

"Because, believing this, they think the law inimicable to the State's best interests, and quietly elevate their eyebrows when offenses against it are mentioned.

"Because the law's most ardent supporters are the opliticians, and 'never-sweat class,' who use it to promote personal ambitions to the detriment of the people.

"Because people often tolerate joints because they believe that farmers will not 'trade' where they can not buy liquors.

"Because express companies are the willing aid of Missouri brewers and rum-sellers, and are doing what they can to alleviate the 'sufferings' of the prohibition Kansans.

"Because the law induces people to keep whisky in the house and drink it regularly who would perhaps only drink it occasionally in a high-license saloon.

"Because it is built on a theory contrary to human nature. Forbid an American to do anything, and he will do it to show his independence.

"Because property owners who profess to be temperance men will rent their buildings and rooms freely to men whom they know are traffickers in liquors.

"Because as long as whisky is made men will drink it.

"Because many oppose it, alleging that if the whisky that is drank in the State was manufactured here, corn and a few other products would bring a better price.

"Because some people, many of them politicians, talk prohibition with whisky-ladened breath.

"Because men can not be told authoritatively what to eat, drink or wear. The Creator never contemplated any

such thing, or He would not have endowed human beings with reason.

"Because the youth of Kansas are sharp, and can obtain liquor of jointists whenever they want it. The present law is no protection to them.

"Because the law is a sentimental, and not a practical one."

Compensation

BY REV. DR. E. A. WASSON.

Reprinted from the March, 1910, issue of "Pure Products," by courtesy of Dr. O. W. Willcox.

This is a word that is coming to be heard more and more in the discussion of the liquor question. I predict that it will become a very familiar word in this connection. Perhaps if we had used it more in the past, the liquor issue would not be such a muddle as it is.

It was less than two years ago that the cable brought us news of the limitation of the saloon business proposed in England. It appears that, in the judgment of many, England had more saloons than the legitimate needs of the population required. These surplus saloons were to be wiped out. This news would have been a sweet morsel in the mouth of our American prohibitionists, had it not been embittered by the mention of compensation. This compensation, it was explained, was a money commutation to be paid the saloon keeper (or publican, as he is called in England) for taking away his livelihood! Our Puritans rubbed their eyes. Had they read right? Was it possible that anywhere the saloon keeper was recognized as having some rights? That he was actually a human being with a right to make a living in ways recognized by law? That he, no more than other men, was not to be ruthlessly shorn of his business, and turned out, perhaps penniless, to hunt a living in avenues with which he might be entirely unfamiliar?

Yes, England, the mother of representative government,

the mother of free States, recognized that the saloon keeper was a member of society with the same rights as other members of society. If the public interest necessitated the cancellation of any of these rights, then society must make to that saloon keeper full compensation for the rights that it took away. The man's honest business is as much his property, whether he built it up or bought it, as the landowner's lot or field is his property. If the community needs that lot for a public building or that field for a railroad right of way, then the community may legally and morally take that land away from its owner; but only after it has paid that owner its full value, arrived at by an impartial commission of assessment. For the community simply to lay its hands on the land and take it away, without paying for it, would be revolting to the moral sense. It may be said that the cases are not parallel, for the owner of the land does not, through such ownership, inflict any injury on the community; whereas the saloon keeper is a public enemy. The landowner has a moral standing, it may be said, which the saloon keeper has not. But this objection is fallacious. It ought to be known by those who adduce it that the moral title to the ownership of land is at least as open to attack as the moral title of the saloon business. There is a school of thinkers who hold that the private ownership of land is mere robbery. Some of them hold, too, that justice requires that all landowners be immediately expropriated, without compensation. This, however, will never be done by peaceful means. If the community ever decides to nationalize the land, it will surely compensate the landowners. For my part, I think a much stronger case can be made out for the saloon business than for private ownership of land. No antecedent injustice or immorality inheres in the liquor business, except from the view-point of the extremest fanaticism—a fanaticism that would brand Jesus Christ as immoral for converting water into wine.

The compensation to the saloon keeper provided for by the English budget is real, not nominal. It is substantial and just, if not generous. The publicans are treated with as much consideration as if they were grocers or dry goods merchants—as reputable citizens, not as outlaws. Where the publican is to be closed out by the Government, it will give him a sum of money arrived at by commuting the good will of his business for the following period of fourteen years, so as to yield him the benefit of the labor he has put into building the business up. Of course this is not a sum that can be computed with mathematical accuracy; but in a generous spirit, that seeks to do what is right, a rough justice can be done.

Now that is a civilized procedure. It is a moral procedure. It is a Scriptural procedure. What a contrast to the lynch law of American prohibition communities! Here is Tennessee wiping out at one moment businesses and properties worth millions of dollars, without any charge of lawlessness or wrong against the brewers, distillers, and others thus robbed. One day the State legalizes and licenses the business, and asks for and receives a substantial income for the privilege of conducting it. The very next day it destroys this business which it has legalized and encouraged, and it ruins the men who, relying on the good faith of the Government, had invested their money and energies to build it up! And this atrocious thing is done at the behest of an element who claim to be moral exemplars—in fact, to have a monopoly of the virtue of the community! How would they themselves like to have their lands or other possessions made worthless by law witout a penny of recompense?

It is true that American law permits this injustice. But that does not make it right or politic. The English law would permit it, too, were the English people inclined to adopt such lynch methods; for an act of parliament is supreme and final. But American law ought to forbid

such moral assault and battery, and whether the law does or not the moral sense of the people ought to make recourse to it impossible. When the Government says to the citizen, "I give you full permission to engage in the liquor business, and will afford you the same protection that any other industry enjoys, as long as you pay your license and obey the law," it assumes the moral responsibility of protecting that citizen in the enjoyment of the property and good will that he may build up in that business. The prohibitionists themselves unwittingly admit the justice of this contention in their diatribes against the legal recognition of the business. They say that the acceptance of license fees from the liquor business makes the Government morally a partner in that business and constitutes a recognition of its rightfulness. In this they are right. The Government is, in a moral sense, a partner in every business that it recognizes and protects. Without that recognition the business could not flourish. Now the Government has no right, in a fit of superior virtue, to rise and excoriate its partner and then fling him outside of the breastworks. In a sense, the Government is the predominant partner in every legitimate business; that is, it has the power to dominate the other partner. If it decides to quit the business and put an end to it, it has that right. But it ought not to insist on putting the partner out of business without seeing that at least he quits whole. If the Government wishes to abolish the business, then it ought to buy its partner out at a fair price; after which, but not before, it will have the moral right to wipe out the whole enterprise. The Government may have a right to destroy its own property, if it sees fit; but it has no moral right to destroy other people's property. Lincoln wished to buy out the slave-owners, and only their folly prevented a peaceful settlement on a money basis. The nation had permitted slavery and encouraged it, Lincoln reasoned, and if the nation had become too virtuous to endure it, then the

nation should pay the bill. His reasoning was sound. It is the reasoning of England concerning the surplus saloons. The nation has legalized and fostered them. If the nation wishes to close a portion of them, then it is for the nation to pay the bill. And England proposes, honorably, to do it. A man or a people ought to pay for their own virtue, not to compel someone else to pay for it. The bigamist who repents of his sin will recognize that he still owes an obligation to the woman and the children that the law will not allow him. If he coolly abandons them on the ground that he has turned virtuous, he is a contemptible cur. If the community thinks itself too good for the saloon, then let it pay for its virtue itself, and not unload the whole cost on the saloon keeper, brewer and distiller. Having enjoyed what the prohibitionists would call the wages of sin, let it not expect to get its virtue for nothing. No virtue that begins by inflicting cruelties and hardships on old associates is any better than pecksniffian cant. Would it not be more civilized and charitable for the Government to say, "Here, old partner, I have become convinced that this business is wrong all through. I have decided to quit, and as you can not keep it up without my permission you will have to quit, too. But as it is I that am making the change, and as you are poor and I am rich, I will see that you are fully paid for what I am depriving you of. We will liquidate the business, and you will get the full value of what you are surrendering."

All this from the standpoint of right and wrong. But sound policy would suggest the same course. It would be far better for the community if each license to make or sell liquor ran for a good long period, such as fifteen or twenty or twenty-five years. Then the holder of the license would have a sense of security that he has not now. He would know that as long as he behaved himself, his business was secure. And it would be to his interest to

build up a respectable trade. At present, in many communities, where it is an annual or biennial see-saw between prohibition and license, the liquor man is always on the anxious bench. When he is licensed, the temptation is to work the business for all it is worth, to get the last penny out of it, against the evil days that may come. In this, it is true, he is not wise; for his true policy would be to avoid every occasion of offense, so that the evil days might be averted. But liquor men are no more far-sighted than others, and are apt to prefer a present advantage to a future chance. Uncertainty demoralizes in every branch of business. To do and to be their best, men must be able to count on what is coming. Civilization means the reduction and final elimination of risks. It is almost better, sometimes, that a question should be settled wrong than not settled at all.

The short-term license operates disastrously in another way. It tends to keep the better class of men out of the business. Where the promised rewards are but modest at best, conservative citizens will hesitate about entering a business where, without the least fault of theirs, they may be closed out in a year or two.

I think that we must come ultimately to the long-term license. How long, would depend on the circumstances. In a new community, where the character of the development can hardly be predicted, the term might not be so long as in a settled community. In no instance should it, in my judgment, be less than twelve years, and I should prefer fifteen. The license should be subject to forfeit for gross or repeated misconduct. And the absolute control of the community over the traffic might be maintained by making every license subject to cancellation at the will of the community, on payment of a just compensation to the holder of the license for its unexpired term. This provision for compensation would remove the subject from the sphere

of whims, passions and prejudices, and bring it within the area of solid, substantial interests. Where the community knew that prohibition would mean the purchase of perhaps half a dozen or fifty or a hundred licenses with, say an average of six or seven years to run, they would think several times before voting taxes out of their pockets for such a purpose. The result would be that they would discriminate between the good and the bad saloons, and would take measures to put the bad saloons out of business, which would cost the community nothing. The good saloons, or the relatively good, would be left in possession of the field. Freed from the competition of the bad saloons, they would find it profitable to do right rather than to do wrong. At present, to meet such competition, they are tempted to descend to the same level.

A long-term license, say of fifteen years, subject to forfeit for serious misconduct, and to cancellation at any time with just compensation for the unexpired term of the license, would do more than any other single measure to rid the liquor business of the abuses now associated with it. For this very reason it will be fought by the thick-and-thin prohibitionists. But for this reason it should be favored and urged by those who believe in regulation and improvement, rather than in destruction. Even habits and institutions that are wholly evil can, at the present stage, seldom be abolished, whereas they can be made less injurious. How much more, then, an institution like the liquor business, which almost everywhere, almost always, and almost by all, has been considered a proper and legitimate industry.

The Question of Compensation

BY HUGH F. FOX.

The Fourteenth Amendment to the Constitution of the United States declares that no person shall be deprived of life, liberty or property without due process of law.

This is the saving guarantee of our civilization, the corner-stone of social order. To maintain this principle inviolate is the highest function of our Government, the most exalted care and responsibility of our Judiciary.

Yet, by a memorable decision rendered in the year 1887, the Supreme Court of the United States held that the brewing and distilling properties of the country, being subject to the police powers of the State, were not entitled to the guarantee afforded and covenanted in the Fourteenth Amendment. Passing upon a claim for compensation on behalf of certain brewers in Kansas, whose business had been destroyed and whose property had been rendered valueless by the Prohibition law, the Court, after postulating that "the public health, the public morals and the public safety may be endangered by the general use of intoxicating drinks," pronounced judgment in these terms:

"A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals or safety of the community can not, in any just sense, be deemed a taking or an appropria-

tion of property for the public benefit. . . . The power which the States have of prohibiting such use by individuals of their property as will be prejudicial to the health, the morals or the safety of the public is not—and, consistently with the safety and existence of organized society, can not be—burdened with the condition that the State must compensate such individual owners for pecuniary losses they may sustain by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community."

Twenty years have passed since this celebrated decision was uttered, and it is still generally regarded as having finally settled the question of compensation for the liquor interests. Meantime the march of prohibition, with its attendant spoliation and confiscation, has continued, and is now far more menacing, with greater possibilities of ruin, than when the United States Supreme Court passed upon the Kansas cases. Therefore, it may be permitted to us to take some small comfort in the reflection that even the United States Supreme Court has been known to "reverse itself," and we are further assured that before a still higher tribunal—the Court of Conscience—nothing is settled until it is settled right.

JUDGE BREWER'S STRONG DISSENT.

The decision referred to reversed a decree of Judge Brewer, then of the United States Circuit Court of Kansas, now himself a member of the United States Supreme Court. Judge Brewer had held that "the State can prohibit the defendant from brewing, but *before it can do so it must pay the value of the property destroyed.*"

Evidently Judge Brewer, although reversed, was not convinced, for speaking before the Yale Law School a few years later (in 1891) he said: "I am here to say to

you in no spirit of obnoxious or unpleasant criticism upon the decision of any tribunal or judge, that *the demands of absolute and eternal justice forbid that any private property, legally acquired and legally held, should be spoliated or destroyed in the interests of public health, morals or welfare, without compensation.*"

Referring to the action in which he had been reversed, he made this statement, at once a plea and a justification:

"There were four or five breweries, with machinery and appliances, valuable only for use, worth a few thousand dollars, a mere bagatelle in comparison with the wealth of the State, *built up under the sanction of the law,* owned by citizens whose convictions were different from those of the majority, and who *believed the manufacture and sale of beer to be right and wise.* As good citizens, it was fitting that they should yield to the judgment of the majority. *As honest men it was fitting for the majority not to destroy without compensation.*"

Still unpersuaded by the voice of the highest tribunal in the land, Judge Brewer went on to affirm that *"when a lawful use is by statute made unlawful and forbidden and its value destroyed, the public shall make compensation to the individual."* And, finally he re-affirmed his position in this boldest declaration of all:—

"We must recast some of our judicial decisions; and if that be not possible, we must rewrite into our Constitution the affirmations of the Declaration of Independence, in language so clear and peremptory that no judge can doubt or hesitate, and no man, not even a legislator, misunderstand. I emphasize the words *clear and peremptory,* for many of those who wrought into the Constitution the Fourteenth Amendment believed that they were placing therein a National guarantee against future State invasion of private rights, *but judicial decisions have shorn it of strength, and left it nothing but a figure of speech.*"

BRITISH VIEW OF COMPENSATION.

The difference between the American and British attitude toward this question of compensating persons engaged in the liquor traffic, in the event of the legal extinction of their business, is marked and extraordinary. We are often accused of playing the "sedulous ape" to the Englishman in matters of fashion, etc., and it seems that we might profitably take an occasional lesson from him in the province of government. Certainly the British position on this question of compensation is in accord with simple justice, and reflects credit on the national sense of honor and equity.

Look at the contrast. In this country immense property interests are wiped out by prohibitory laws and not a dollar allowed for compensation, the highest court in the land having affirmed the legality and justice of such virtual confiscation. In England, on the contrary, public sentiment favors the principle of compensation—the *measure* of such compensation was about the only question at issue regarding the Licensing Bill lately rejected by the Lords, both parties being agreed as to the *principle* of indemnification.

When the bill was introduced in February last (1908), Chancellor Asquith called attention to the fact that licenses were extinguished without compensation in the United States and in some of the British Colonies, and that legally such an enactment would not be wrong. But he added, "We think, and rightly in my opinion, that not only policy but equity demands a fair recognition of the expectations upon which this industry has so long been conducted."

It may be needful to point out that nothing like the American idea or system of prohibition prevails in England. The bill rejected by the Lords simply gave to each

community the right to say that there should be *no increase in the number of licenses* and it provided for a gradual reduction of the number of public houses, *allowing a certain compensation* to the holders of extinguished licenses.

Moderate as this proposal was, being strictly in the line of regulation, it failed to find favor with the English people whose reverence for property and vested rights has often figured in the making of history. It is conceded that the Peers would not have dared to reject the bill had they not felt that the overwhelming mass of public sentiment was behind them.

But what would the British public think of such wholesale measures of spoliation and confiscation as are calmly proposed and as calmly executed in our liberty-loving country? For in England the liquor business is not regarded as outlawed, nor as the legitimate prey of venal agitators, and no such decision as that of our Supreme Court mentioned above, has ever emanated from the Woolsack. English Peers are heavily interested in brewing, as well as many clergymen of the Established Church, and nobody has to apologize for his connection with a trade which is recognized as a great source of the national wealth.

BRITISH STATESMEN ON COMPENSATION.

We append the views of some eminent British authorities on the question of compensation:

MR. GLADSTONE:

(Dalkeith, November 26, 1879.)

"But I must also add that I think, if it be necessary, if Parliament should think it wise to introduce any radical change in the working of the liquor law in such a way as to break down the fair expectations of persons who have

grown up, whether rightly or wrongly, it is not their fault—it is our fault—under the shadows of those laws, their *fair claim to compensation ought, if they can make good their case, to be considered,* as all such claims have been considered, by the wisdom and liberality of a British Parliament."

(In House of Commons, March 5, 1880.)

"As to compensation, the Licensed Victuallers ought to be dealt with exactly on the same principle as every other class in regard to which *a vested interest has been permitted to grow up.*"

(In House of Commons, June 18, 1880.)

"I should have been better pleased with the matter of the resolution if my honorable friend had included in it some reference to the principle of equitable compensation. I want nothing more than this—a frank recognition of the principle that we are *not to deny to publicans, as a class, perfectly equal treatment.*"

Lord Selborne (Late Lord Chancellor):

(Letter to Mr. Ellaby, June 10, 1890.)

"If I rightly understand the views and objects of those who in the name of temperance object to any payment being made for the purpose of such agreements as this bill would authorize, what they want is to take away from a large number of persons who have lawfully invested money in licensed public-houses, and against whom no case of misconduct, which might be a just cause for refusing to renew the license, can be alleged, their *property and means of livelihood,* and to do this without compensation. *This, in my opinion, would be very unjust.*"

MR. JOHN BRIGHT:

(House of Commons, June 14, 1881.)

"I think the honorable baronet should further consider the question of compensation, and not think it absolutely wrong if Parliament, under those circumstances, did provide some mode by which *men who are engaged in a lawful business should not be deprived of their business without some sort of compensation.*"

MR. JOHN MORLEY:

(Letter to Mr. D. Gupwell, February 10, 1880.)

"I should strongly oppose any legislation which should overlook the fact that *immense capital has been embarked in your trade,* in the ordinary expectation that the trade would not be interfered with."

MR. CHAMBERLAIN:

(House of Commons, April 12, 1888.)

"I do not see any way to dispute the equitable claim to compensation which the publicans have. The publicans hold a property which has a marketable value, and in which they have invested a considerable sum. They are, at all events, conducting a legal traffic over which the Legislature has, to a certain extent, thrown its shield and protection, and *they can not be fairly and properly deprived of their means of livelihood without giving them compensation.* All precedent would be against our adopting such a course. * * *

LORD CHIEF JUSTICE COLERIDGE:

(At the annual Meeting of the Church of England Temperance Society, April, 1888.)

"If they (the Temperance Party) desired to gradually diminish the number of Houses, nothing would help them

more than proceeding on the lines of equity and justice, and nothing would defeat their ends more than taking the opposite course. Whatever might be the extent of the legal rights of publicans, they had *no right to ruin them because the mind of England had changed on the drink question.*"

SIR WILFRED LAWSON:

(House of Commons, June 18, 1880.)

"Honorable members tell me that there ought to be something about compensation in my resolution. If I would only do that they could find it in their hearts to vote for me. Now, I *do not want to condemn compensation.* * * * I am quite sure, if ever my resolution is crystallized into an Act of Parliament, this House will never refuse a fair demand from any body of men."

MR. ARTHUR ARNOLD:

(House of Commons, June 18, 1880.)

"Now, I can only say for myself that I regard a license possessed by the man who has the privilege of holding that license for the sale of wine and spirits as *a very substantial property,* and I will tell the House why—because there is in regard to that license every feature of property."

HON. ARTHUR BALFOUR (Speaking as Prime Minister, 1903):

"Surely it must stand to reason that *if you make property in licenses absolutely insecure no man of position or substance will engage in the trade* * * * I, therefore, look with the utmost alarm to anything which would absolutely drive out all the good men and leave the work which has to be done, and will be done by somebody, legislate how you will, to men who have neither character, nor money, nor position to lose."

Wm. H. Taft on Prohibition

Hon. Wm. H. Taft in his work, "Four Aspects of Civic Duty," says:

"Nothing is more foolish, nothing more utterly at variance with sound policy than to enact a law which, by reason of conditions surrounding the community is incapable of enforcement. Such instances are sometimes presented by sumptuary laws, by which the sale of intoxicating liquors is prohibited under penalties in localties, where the public sentiment of the immediate community does not and will not sustain the enforcement of the law. In such cases the legislation usually is the result of agitation by the people in the country districts, who are determined to make their fellow citizens in the city better. The enactment of the law comes through the country representatives who form a majority of the Legislature, but the enforcement of the law is among the people who are generally opposed to its enactment, and under such circumstances the law is a dead letter. In cases where the sale of liquor can not be prohibited in fact, it is far better to regulate than to attempt to stamp it out.

"By the enactment of a drastic law and the failure to enforce it, there is injected into the public mind the idea that laws are to be observed or violated according to the will of those affected. I need not say how altogether pernicious such a loose theory is. * * * The constant violation or neglect of any law leads to a demoralized view of all laws."

The Crime of Confiscation

BY JOSEPH DEBAR.

The men engaged in distilling, brewing and wine making and in dealing in such products, are surely entitled to consideration when they venture to analyze the ever encroaching menace to their invested millions which looms before them in the specter of confiscatory prohibition.

It is here sought to review this great question, not from the standpoint of legal technicalities, but from the broader and better one of long usage, common sense and governmental justice, and in belief that law and justice are, and should ever be, one and the same thing.

It is not essential to ascertain the precise date at which liquors were first produced and used in this country. That they were imported and used long before they were produced here, goes without saying.

Wines and brandy made abroad came with the first colonists, and rum distilled in the West Indies is frequently mentioned among the earliest of our imports.

Prior to and during the war of the Revolution, imported liquors of many kinds were in common use among the people.

Following the war, which resulted in the freedom of the colonies, the condition of the finances of the new Republic made necessary the building up of a fiscal system and the raising of revenue from many sources. In this con-

nection a short history of these early enactments as affecting liquor may be of interest, not alone from the outlook of governmental recognition of the traffic, the demonstration of which is the main object of this article, but because the manner in which such taxation was received by some, and more particularly by one of the States, throws a strong sidelight on the mental bias of those days towards both liquor and taxation.

In the fiscal year of 1791 the first revenue producing measure passed in Congress went into effect. Originally it related entirely to imports and to the tonnage of vessels. This first tariff measure was the second act passed by the Congress of the United States, and its preamble recited that its purpose was to raise revenue and also "for the encouragement and protection of manufacturers." This bill was signed on July 4, 1789, in Philadelphia, where the Congress of the United States then sat.

The earliest statistics to be found show that these customs revenue laws produced in 1794, $4,399,473.09, but these laws, even with subsequent amendments, did not produce revenues sufficient to meet the expenses of the young republic, and to place the Government in a position to sustain its credit by caring for the debt assumed by it from the several States. Hence, a measure was adopted on March 3, 1791, amending the original tariff act, and this new measure, while re-enacting the former import duties, levied a tax upon distilled spirits produced in this country. That was the beginning of the internal revenue taxation of distilled spirits. This law is said to have been prepared by Alexander Hamilton, then Secretary of the Treasury. At all events, it is known that he urged the passage of the bill and subsequently outlined other measures of the same kind in furtherance of his carefully devised financial plan, so that, in fact, Alexander Hamilton was the originator of the internal revenue system of taxation, as well as the

champion of the tariff system upon the theory expressed in the preamble to the first tariff law, that it is for the "encouragement and protection" of manufacturers in this country.

Imported distilled spirits were made dutiable by this first tariff law, the tax schedule being based on six classifications, each class embracing spirits with a certain percentage of alcoholic contents.

The internal or excise tax on spirits followed the same proof classification, but there were two rates established, the first and higher rate being on spirits distilled in this country from sugar, molasses or other imported materials, the second and lower rate on spirits distilled in this country from articles "of the growth or product of the United States."

But while this internal revenue law was passed by the first Congress at its third session in 1791, a very similar bill had been defeated at the previous session in 1790, after a bitter fight, by a narrow margin, the defeat of the bill being attributed largely to the influence of the Senators and Representatives in Congress from Pennsylvania, where the distilling business had begun to assume large proportions, and where considerable alarm was manifested because of the attempt, as then alleged, to reduce the distillers' profits or drive them out of business. At that time the anti-administration or anti-Federalist strength massed itself against all internal revenue legislation; and, in fact, it was principally upon financial legislation in general that party lines were drawn.

While this act of March 3, 1791, was a general revenue measure embracing both impost and excise taxes, yet the greater part of its sixty-two sections were devoted to the establishment of an internal revenue system quite as complete in detail for the work then to be accomplished as is the present law for the situations and conditions now

to be dealt with. Many features were the same that we find incorporated in the existing law.

On the same date, that is, June 5, 1794, a law was passed which required entry and notice for the rectification of low wines and other distilled spirits, that being the parent law in this country touching rectification.

At that time the opposition to the enactment of these various laws which had appeared in Congress was followed by opposition to their enforcement. The first serious resistance to Federal authority resulted, in part at least, from the enforcement of the law imposing the tax upon the distillation of spirits in this country. It occurred in 1794, in Western Pennsylvania. Throughout that section, especially in the counties of Allegheny, Beaver, Fayette, Washington and Westmoreland, and in the towns for quite a distance up the Allegheny and Monongahela rivers, distilling had grown to be an important line of business, and whisky was current coin of the realm throughout that region and the country tributary thereto.

The dissatisfaction which existed grew steadily until the flames of a little rebellion broke out, and there was avowed insurrection; military companies were formed, and men drilled for weeks and affairs took on a serious aspect.

President Washington issued two proclamations to the insurrectionists, calling upon them to disperse and yield obedience to the laws, but the distillers and their sympathizers felt that their rights had been invaded, they refused to pay the tax, and forcibly resisted collection.

No heed was given to the President's proclamation until he threatened to dispatch to the scene of the trouble a considerable force of seasoned soldiers of the Revolution, under the command of General Harry Lee, "Light Horse Harry Lee" of Revolutionary fame. This threat of force had the desired effect, and the rioters, evidently believing

discretion the better part, dispersed. This ended the outbreak.

This incident has passed into history as the "Whisky Rebellion of Pennsylvania." It was the crude and turbulent frontier manifestation of intense opposition to what the people of Pennsylvania deemed an unjust tax, and the movement had the sympathy of several other States.

It is significant that the national Government dealt with extreme leniency toward the malcontents. The agitation lasted nearly three years before force was threatened to suppress it. The national Government realized that the universal sentiment was in favor of liquor and tax exempt liquor at that, untrammeled by excise or excisemen.

The people and the State and national Governments were a unit in favoring the "protection and encouragement of manufacturers" in the product of the still, and divided only as to whether such product should be classed among the sources of the government's income. And it is significant that the government favored and encouraged, by lower rates, the distillation of spirits from "articles of the growth and product of the United States" in preference to the distillation of spirits made from imported raw material.

The distilling industry of our country presents no abnormal features of development. It expanded naturally in unison with the general growth of our population and of our home industries.

With the great influx of German immigration which has done so much to people our land with a splendid element of loyal, conservative, industrious and self-respecting citizens, it was but natural that the brewing industry should thrive apace.

These immigrants brought with them the tastes and social instincts of the Fatherland and their presence here, in

ever increasing numbers, created a demand for the lighter beverages of the old world.

The German is a beer and wine drinker in moderation, and his habits of temperate enjoyment without excess have had a distinctly beneficial influence upon our native population in the rational use of stimulants.

It is not surprising, then, that between the war of the Revolution and the outbreak of the Civil War in 1861, the making and selling of liquor, malt, vinous and spirituous, had become a recognized industry of vast proportions.

The character of this industry underwent some changes incident to an expanding and varying population. Under the Teutonic infusion of blood and habits, the movement was from the stronger to the milder beverages. Later the wine output of the Great Lake region and of the Pacific slope supplied an increasing demand for table wines of wholesome character and mild alcoholic strength.

In all of these changes extending through a century of national life the national Government has maintained the same fostering and encouraging supervision of the triple industries, and when under the tremendous exigencies of our civil strife it once more became necessary to levy internal revenue taxes for the needs of the Government, it levied those taxes with the same careful regard for "encouragement to manufacturers" shown in the early excise measures of Alexander Hamilton, Washington's great Secretary of the Treasury, and the father of the tariff and internal excise system of our country.

Every enactment of the Congress in regard to all forms of liquor clearly indicates that the industries taxed were encouraged to endure and were expected to produce revenue. Every national budget has contemplated the consumption and continued use of these internally taxed products and every revenue measure has always been accompanied by

figures setting forth in advance the estimate of national income expected to be derived from these sources.

These facts are pointed out as affording conclusive evidence of the relation of the national Government to the traffic. A relation of encouragement and protection suggesting orderly continuity in every phase. A marked instance of this element of continuity is shown in the extension of the bonded periods during which distilled liquors could be aged in bond. All of the changes and modifications have been in the direction of increased convenience and facilities and "encouragement and protection" to the manufacturer. Beginning with a bonded period of one year, this term has been extended to eight years, and with a liberal outage allowance for seven years of the bonded period.

The rectifying and blending branch of the spirits trade has been accorded facilities for manufacturing in bond for export, and in many ways has had special regulation extended to it suggesting continuity, "encouragement and protection."

It has long been a subject of comment by the less favored of the three industries that the brewing interest was in a special manner the pet child of the national Government. This accusation has been strongly justified from every aspect of national legislation. Beer has always been taxed lightly, even at a lower figure than demanded by its alcoholic content. And the regulations for the handling of the trade—bottling, affixing stamps, reporting process of manufacture—have all been of the mildest and easiest.

This special branch of liquor making has been more than fostered and encouraged; it may fairly be said to have been subsidized in the leniencies and facilities accorded it.

Having considered the position of the national Government for a century and more of time, towards the liquor

industry, let us take a glance at the attitude assumed towards it by the various States.

In this connection two facts stand prominently forth. A majority of the States recognized and legalized the industry by license laws, and have issued articles of incorporation to companies for the operation of breweries, distilleries and wholesale liquor establishments.

Certainly no stronger evidence of the legal existence and State recognition of any business can be shown than articles of incorporation granted by the State for the explicit purpose of carrying on such business.

Here in the United States, concurrent with the growth and expansion of the liquor industry in all its ramifications, there appeared at various periods, as in England, sporadic manifestations of zeal for temperance. We use the word "temperance" in this connection advisedly as differentiating from latter-day "prohibition."

The temperance movements of the early century took the form of appeals to the hearts and consciences of men for moderation in the use of liquor or for total abstinence from their use by men of feeble will power. These movements were usually conducted on purely moral lines and were deserving of commendation. Their object was to help the weak and wayward to better self-control and to lead the strong and reckless to moderation. Men addicted to intemperance were urged to take the pledge, but at the outset the pledge referred only to strong liquor, and not to some of the milder beverages. Later the "tee-total" pledge was inaugurated and this meant a promise to refrain from any and all alcoholic stimulants, including even cider and fruit wines.

It is worthy of note that these early appeals for temperance were to the individual—not to the lawmaking power.

Later there arose a faction within the early temperance

ranks, which clamored for legal assistance in enforcing their views. Their appeal was to the strong arm of the law for aid in inculcating a moral precept.

This division in the ranks of men claiming to be temperance workers has continued to exist and at this forking of the roads, among those opposed to the liquor traffic, a review of the origin and progress of temperance and prohibition movements may not be amiss.

In a volume of popular descriptive portraiture of great and memorable events entitled "Our First Century," by R. M. Devens (C. A. Nichols & Co., publishers, Springfield, Mass., 1880), there is an interesting chapter devoted to an outline of what the author terms "Breaking out of the Temperance Reformation."

He ascribes to Dr. Benjamin Rush, of Philadelphia, the first writings of weight on this subject. That scientist's work, "An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind," issued as early as 1804, is said to have aroused much interest.

In 1808 there was the first movement of an associated character for the voluntary abandonment of drink by the individual. The initial association was entitled "The Temperate Society of Moreau and Northumberland" (towns in the county of Saratoga, N. Y.), originated by Billy Clarke, and was based upon regulations like the following:

"No member shall be intoxicated, under penalty of fifty cents. No member shall drink rum, gin, whisky, wine, or any distilled spirits, or compositions of the same, or any of them, except by the advice of a physician, or in case of actual disease (also excepting wine at public dinners), under penalty of twenty-five cents; provided that this article shall not infringe on any religious ordinance. No member shall offer any of said liquors to any other member, or urge any other person to drink thereof, under penalty of twenty-five cents for each offense."

In 1813, there was formed the Massachusetts Society for the Suppression of Intemperance; one in Connecticut in 1829; and, in 1826, the American Temperance Union.

At the beginning of 1828, the custom, hitherto so general, of treating visitors with wine, cordials, and brandy, began to disappear. The sideboards of the rich and influential, which from time immemorial had groaned under a load of decanters, were relieved of their burdens, and a very great change in the customs of society began to be apparent. At the close of 1828, the number of temperance societies reported in the temperance journals was 225. At the close of 1829 there were more than 1,000 such societies, embracing more than 100,000 members, pledged to total abstinence; 50 distilleries had stopped, 400 merchants had abandoned the traffic, and 1,200 drunkards had been reclaimed. On the first of May, 1831, it appeared that more than 300,000 persons had signed the pledge, and "not less than 50,000 were supposed to have been saved from a drunkard's grave. Even at Washington, a congressional temperance society was organized, under the auspices of such men as Cass, Grundy, Bates, Wayne, Post, Durbin and others; and some of the most brilliant public men signed the pledge."

One of the most energetic and widespread temperance organizations in the country was the Washington Temperance Society, founded in Baltimore, Md., in the month of April, 1840. It had its origin in the spontaneous action of six individuals of convivial habits who were in the habit of meeting at Chase's tavern in Liberty street, Baltimore. As much in a spirit of badinage as from any other motive they agreed one evening to start a temperance society. It seems there was some debate at the outset as to the title best suited to their wants. Some suggested the name of Jefferson, others of Washington. As both Jefferson and Washington had a keen appreciation of the good things

of life, there seemed no particular reason why either name should have been taken, but they finally decided on the name of "Washington Temperance Society," and later came to be known as "Washingtonians."

The author, in commenting upon this stage of the proceeding, remarks, "It is a little singular, however, that this name should have been chosen, for, though Washington was one of the brightest examples of temperate eating and drinking, he habitually used liquor or wine himself, and provided it for his guests and laborers."

This Washingtonian Society was very popular and spread rapidly, and was the means of developing such famous orators as John B. Gough, John H. W. Hawkins and others of like capacity for appealing to the emotionalism of the people of their day.

The same author tells us that in 1849, Father Mathew, the world-renowned "Apostle of Temperance" of Ireland, came to this country. His arrival in New York was in the nature of an ovation; the civic authorities according him the honor of a public reception. He was entertained at dinner by the President of the United States while on a visit to Washington, and received other marks of esteem from many high officials of the Government. In Philadelphia he was welcomed in Independence Hall, and at Boston in Faneuil Hall."

It must impress any one reading this sketch by Mr. Devens, that times have changed indeed when the original moral suasion idea has been so completely and ruthlessly brushed aside and supplanted by appeal to the strong arm of the law, and to methods of violence, destruction and confiscation.

The pledge given by Father Mathew has in it the ring of the true apostle of temperance. Mr. Devens tells us that his method of administering the pledge was somewhat novel, though at the same time quite affecting. The

converts knelt in a semi-circle around him, and repeated the following words:

"I promise, with divine assistance, to abstain from all intoxicating liquors, cordials, cider and fruit liquors, and to prevent, as much as possible, intemperance in others, by advice and example."

To this Father Mathews' response was, "May God bless you, my children. May He give you grace and strength to keep the pledge."

Later in this century Father Mathew was followed by another true temperance worker of great sincerity and earnestness. Francis Murphy, a North-Irish Protestant, gave his life to the cause, and died recently at an advanced age in California. Francis Murphy appealed to the souls of men and not to the forces of ruin and confiscation, and next to Father Mathew, accomplished the greatest amount of good in the cause of true temperance reform. What Francis Murphy thought of prohibition is here given in his own words: "The prohibition policy amounts to Cæsarism. They believe in going ahead, right or wrong. In the States where laws have been passed prohibiting the sale of liquor, the entire State nearly has been legislated into crime, for if it is a crime to sell liquor, it is a crime to buy it, and the majority has done one or the other. So unpopular have such laws become that the method of enforcing them has become more injurious than the original evil, and the officers whose business it is to enforce them have lost the sympathy of the common people."

In contrast to the commendable temperance efforts of these two big-hearted and earnest men, preaching the doctrines of moderation and abstinence, there lowers upon us the sinister figure of Neal Dow, of Maine, the exponent of Mediævalism, and the author of the "Maine Law," the embodiment of the stake, the faggot, and the torture-wheel spirit of bygone ages.

From his time forward the moral suasion idea lost ground. The anti-saloon cohort of to-day knows no law of God nor man that it feels obliged to obey; in sooth it is the law for itself and for all who dwell upon earth, and it hails itself as the source and divinely constituted repository of all righteousness.

That an organization of this nature, self-ordained, inspired by fanaticism and financed by the corruption of predatory plunder, is a menace to any land and any form of government, must be evident to all men who think.

Small wonder that this force of evil should have wound itself into political prestige by the insidious methods of indirection. It began its machinations in the school rooms of our country by poisoning the child-mind against anything and everything that stood in the way of its accession to power. It has crept into our courts and polluted our judiciary. It has degraded and subsidized and terrorized the Legislatures of our States. It has spread its mephitic influences over municipalities, great and small. In short, it has resorted to everything and stopped at nothing to gain its ends, and all this in the name of the Lord.

The chasm between the first methods of appeal to conscience by men who headed the true temperance movements of the early century and the howling mob of psalm-singing plunderers of to-day, is as wide as space itself.

And in the face of this menace, the danger to all forms of property is beginning to excite general and widespread alarm.

Having shown the relations of the national Government and of the States towards the liquor industries, and having glanced at the forces which from time to time have arisen in opposition to those industries, we nowhere find justification for the extreme position taken by our prohibition friends that the liquor industry is a thing of evil, to

be dealt with as one would in exterminating piracy or brigandage.

Did space permit, we might recount the adventures and experiences of the many States of the Union which have tested prohibition, only to repudiate it after varying intervals of trial.

Under a temperance movement in England, wherein it was sought to reduce the number of public houses (saloons), a fourteen-year plan of gradual elimination was suggested, and this with full compensation to the publicans, not alone for the value of their appurtenances and stock on hand, but also for their leases. But in England this was objected to as too radical, and a longer term demanded on the plea that even Parliament could not ignore the property and business rights of Englishmen!

Contrasted with this conservatism of Anglo-Saxon justice and protection to vested property rights, it is not surprising that our outbreaks of unwashed Hooliganism in legislation should startle our British brethren into withdrawing capital from any and all United States investments.

It is a hopeful augury of the future to note that the property interests of our country are slowly awakening to the portent of the prevailing mobocracy of prohibition and are sounding the outcry of alarm.

For if one line of property may be confiscated under popular clamor, all property is liable to a similar fate.

Many of our prohibition friends are already threatening to destroy the tobacco industry as soon as they have finished up the liquor business.

With equal reason a crusade might be inaugurated against the drug business. And why not against the millinery or jewelry business? Neither of these last named articles of commerce is essential to human welfare. Even in war civilized nations are becoming slow to appropriate

or destroy the possessions of the enemy without ultimate compensation.

The question now before the American people is one of dangerous significance. If the present mob-spirit of destruction is permitted to run wild much longer, all property is menaced, and the only question which needs be asked is, "Who will be the next victim? Upon whom will the outbreak next precipitate itself?"

When the courts of a country are vitiated and no longer command the confidence of the people, the end of free government is not far off. If the inferior courts of our land have fallen under the baneful influence of fanaticism, the Supreme Court of the United States is yet a bulwark of integrity and virtue. It is freely predicted that when this great question is finally determined by this august tribunal of eminent and honest jurists, that vested property will once more find that protection of the law of which it has been so long and so ruthlessly despoiled.

It is difficult for anyone not directly interested in any of the liquor industries to realize the widespread and ruinous effects of the present confiscatory program of prohibition.

The Anti-Saloon League gloats over the fact that in Ohio alone under county prohibition over twenty-four hundred (2,400) retail dealers in liquor have been wiped out of existence, and that under a provision of law which compels the dealer to close his doors in thirty days from the date on which a county votes "dry," and without one penny of compensation for the destruction visited upon his means of livelihood for himself and family. What a contrast to the British plan of fourteen years gradual elimination with full compensation for stock, fixtures and leases!

What is true of Ohio is true of other States under county prohibition. Under State-wide prohibition, as in Tennessee and Georgia, the destruction is greater and more complete.

Millions and hundreds of millions of invested capital are thus destroyed directly; but what of the indirect losses?

Banks, money-lenders, innocent stockholders, real estate owners—all share in the destruction of values and credits, and increased taxes are heaped on everyone.

And this is proclaimed by the fanatics as "God's work." Truly the American people like to be humbugged. And the apathy shown by those not immediately interested is one of the strangest features of the situation. The awakening and the reaction is slowly coming. The marvel is that the craze and its overwhelming injustice should have continued so long. And this to industries which for a century and more of national life have been accorded by the Government every encouragement to endure and expand, and which have furnished to the national exchequer at all times one of the chief items of national revenue.

The Rev. Charles F. Aked, D.D., and His Divine Master.

A Contrast.

BY PERCY ANDREAE.

In the month of March, 1908, there appeared in Appleton's Magazine an article by the Rev. Charles F. Aked, D. D., entitled "Christianity and Temperance." In the ordinary course of things it would not be expected that such a subject, especially when treated by a minister of the gospel of Christ, could lend itself to any discussion of a controversial nature. In the article in question, however, there are utterances of so extraordinary a character, not only impugning the honesty and manhood of thousands of men who for years have been obliged to submit more or less in silence to similar attacks, from similar quarters, but actually exhorting the church of Christ to deny them the spiritual privileges which Almighty God has vouchsafed to the humblest and lowest of those whom He created in His image, that I have felt constrained, as one of the men thus publicly assailed and threatened, to request permission to reply to the reverend author.

I might fitly disregard the question, upon which all Mr. Aked's arguments hinge, whether the use of stimulants in moderate quantities is harmful in the broader sense or not, as being neither in my province nor that of a theo-

logian to determine. But since Mr. Aked's entire article is based upon a settlement of this very question in his own very pragmatical way, it is only right and just for me to state, by way of preface to my reply, that, audacious as it may seem, I disagree with the reverend gentleman's conclusions in this all-important regard.

Of course, I am neither a minister nor an expert physician. But I belong to a family whose members for many generations have indulged in stimulants, and I do so myself for diverse reasons. Firstly, because I have always been accustomed to them; secondly, because I like them, and because they have wrought me no harm; and, lastly, because I was taught by a Christian sect, whose standing among religious denominations is not inferior to that of the church to which the reverend gentleman himself belongs, that the moderate use of stimulants is sanctioned by the revealed Scriptures, and can injure no normally healthy being.

I am aware that all this will not affect the Reverend Mr. Aked's uncompromising attitude. He is of a different opinion, and he has given due notice to all men that whosoever disagrees with him and the particular coterie of experts whose dicta he approves is, *ipso facto*, ruled out of court, and unworthy of further consideration. So that precludes the possibility of any further argument with the reverend gentleman on that score.

Still, since the burden of Mr. Aked's article, which will undoubtedly have been read by many thousands, is the intentional iniquity of the brewer, as evidenced by the mere fact that he brews and sells beer, and the consequent duty of the church to anathematize and excommunicate him, without further trial or hearing, I may be permitted to plead before the greater tribunal of the public the following circumstance in extenuation of my offense in belonging to the fraternity which Mr. Aked so deeply abhors.

As it happens, I received my chief religious instruction from the Moravian Brethren. It is perhaps not generally known that John Wesley, the founder of the Methodist Church, was converted by one of these Brethren, and established, under the influence of the Moravian teachings, what is known to-day as the Methodist faith. The connection is, therefore, from some points of view, quite a respectable one. The Moravian creed may be summarized in the simple doctrine that the Scripture is the only rule of faith and practice. Under that doctrine, though they do not mingle with the rest of the world, the Moravian Brethren engage in many industries, among which—*horribile dictu*—is the manufacture and sale of beer. While at school and under the tuition of these excellent men, whose religious earnestness, and whose Christian works no man, not excepting even, I fancy, Mr. Aked himself, will question, I often visited their chief brewery, drank beer in its cellars, and learned from them by precept and example that God had caused the grape to grow in order that man might produce from it the wine that "gladdeneth the heart."

So much, then, for myself, and for the Moravian Brethren, to whose instruction I owe such little good as is in me, just as John Wesley, the founder of the Methodist Church owed them, nearly two hundred years ago, that which made him the man he afterwards became.

Now comes the Rev. Mr. Aked at the commencement of this twentieth century and says: "And clearly, therefore, the Church must refuse to hold communion with any man or woman who manufactures or sells intoxicating liquor. No man making his money by the liquor traffic must be admitted to Church membership. The money made in the trade must not be accepted, knowingly, by any Christian community."

I pass over the fact that this sentence of excommunication includes an entire Christian Church, and probably the

most intensely religious body of men living to-day. Inasmuch as they have the misfortune (or is it the willful wickedness?) to differ from the Rev. Mr. Aked, they presumably deserve in his eyes no better fate. But passing from the particular to the general question, is it not fair to ask upon what authority, Biblical or otherwise, the Rev. Mr. Aked takes the ground he does? The Scripture is open to the layman as well as to the preacher, and unless great changes have taken place since I was instructed in the meaning of the revealed Word, the teachings of Christ are still the foundation upon which the fabric of the modern Christian Church is reared. If this is really so, and if a new Messiah has not arisen in this twentieth century to put to shame and confound the hitherto recognized one and only Messiah, whom we all worship, let me tell the Rev. Mr. Aked, and I say it in all solemnity, as one endowed as he is with an immortal soul, as one who, before God, is an equal participator with him in the divine love which cleanses from all sin, that a church which would adopt the stand he advocates would no longer be a House of God, but a House of the Evil One, in which the name of Christ is taken in vain and His divine message of peace and goodwill to all men made a hideous mockery.

Contrast with this shocking utterance of a minister of Christ the words of Christ Himself, addressed (significantly enough) to the Chief Priests and Elders of the people of Israel in connection with the parable of the two sons who were ordered by their father to go and work in his vineyard. The Gospel of Matthew quotes them as follows (chapter 21, verses 31 and 32): "Jesus saith unto them: Verily I say unto you that the publicans and the harlots go into the Kingdom of God before you, for John came unto you in the way of righteousness, and ye believed him not, but the publicans and the harlots believed him! And

ye, when ye had seen it, repented not afterward, that ye might believe him."

Contrast furthermore with the Rev. Mr. Aked's exhortation to the ministry at large to deny manufacturers of liquor the benefits of the church which his Master founded, the action of that Master himself, as recorded in the Gospel of Matthew (chapter 9, verses 10 to 13): "And it came to pass, as Jesus sat at meat in the house, behold many publicans and sinners came and sat down with Him and His disciples; and when the Pharisees saw it, they said unto His disciples, Why eateth your Master with publicans and sinners? But when Jesus heard that, he said unto them, They that be whole need not a physician, but they that are sick. But go ye and learn what that meaneth, I will have mercy and not sacrifice; for I am not come to call the righteous, but sinners to repentance."

"I will have mercy, and not sacrifice." How will Mr. Aked account to his Master Christ for refusing to any mortal being the comforts of the church, in which His word, as handed down to us by His apostles, and not Mr. Aked's word, is law?

Does it never occur to those who preach the gospel of temperance that there is an intemperance of the mind which is far more shocking, far more disgraceful, and far more disastrous in its effects than the intemperance of the body? The drunkard is dangerous because he has temporarily lost all cognizance of law, of duty, of decency, and of regard for his fellow-men. Opposition inflames his anger, and he is liable to murder any one who contradicts him. Yet what is he but a spiritual drunkard, who, because he differs, however honestly, from thousands and thousands of his fellow-men, proceeds in cold blood to murder their souls, instead of ministering to them, as the physician ministers to those whom he believes to be sick?

Christ was pre-eminently the Messenger of Charity. Is

there one word of true Christian charity to be found in all the utterances of His servant, the Rev. C. F. Aked, D. D., on the subject of temperance. He poses as the new savior of mankind. But what a difference between this latter-day savior and the divine Messiah whom he would supersede, and whose teachings he arrogantly sets at naught! He says that "the use of intoxicating wine at the Lord's Table is entirely without defense;" and no doubt he is entitled to his opinion. Yet the majority of Christian Churches believe that the use of such wine is an essential part of the lawful celebration of the Savior's sacrifice. And what is the Rev. Mr. Aked's attitude towards these Christian churches that differ from him?

"Their determination," he says, "to persevere in the practice of providing intoxicating wine for sacramental purposes grows out of one of two things. It grows out of a love of the liquor—which is dangerous; or it grows out of hate of the temperance sentiment—which is detestable. Conscience is concerned with the protest against it. Conscience can not be concerned with the demand for it." Any argument to the contrary, the reverend gentleman declares further on, can only be "one of wicked selfishness or of more wicked spitefulness."

Did ever a more uncharitable, ever a more flagrantly intemperate utterance issue from the mouth of one who professes to be a servant of Christ Jesus? Would it be entirely unjustifiable to say that such an utterance as this, in face of the undoubted fact that millions of true Christians honestly adhere to the belief which is here so shamefully stigmatized, is conclusive proof of the mental inebriety of the person that makes it? If we glance at the records of history, we shall find that it is from men who assumed the same uncompromising attitude towards those that differed from them on matters of religious detail that man-

kind has suffered ravages worse than any that can be attributed to the effects of alcohol.

Of course, no man with eyes to see and ears to hear can be ignorant of the evils consequent upon the excessive indulgence in drink. Even the Rev. Mr. Aked admits that nobody on the face of the earth (and presumably he includes in the category the wicked manufacturer of stimulants himself) defends drunkenness. But is it not strange that the intemperance among men who drink is infinitesimal as compared with the intemperance exhibited by those who preach the doctrine of temperance from the pulpits and the platforms of the country? In Mr. Aked's opinion everyone who drinks is practically a drunkard, just as everybody who disagrees with him is a willful wrongdoer. In following up this particular line of argument, the reverend gentleman allows his zeal to outrun his discretion; only momentarily, however. For, in the course of his reasoning, he has arrived at the inevitable and logical conclusion that the sin of drinking (even in moderation) is no less heinous than the sin of manufacturing drink. A perfectly intelligent conclusion, of course, but a dangerous one to the cause championed by Mr. Aked, as the writer presently realizes. For he promptly pulls himself up, and goes on: "Well, perhaps so. But a plea may be submitted (in this case) for suspense of judgment." And why? "Because," says Mr. Aked, "some of the best men and women the Church has ever known have been non-abstainers; and a movement intended to unchurch the church member who has not properly grasped God's purpose for this generation would justly be regarded as intolerable."

Truly, intolerable! Just as intolerable as the unchurching of those who manufacture and supply the drink which some of the best men and women the church has ever known indulge in. Only, in case the latter were unchurched, the congregations of the churches might become

uncomfortably thinned, and so—acting under Mr. Aked's advice—the churches are to agree to wink their eye at the iniquity and call things square for the moment.

Was ever sophistry more gross? Again, what a contrast with his divine Master! Where Christ found sin, He not only denounced it, but He scourged the sinner, regardless of consequences. But when the Rev. Mr. Aked in his indiscriminate ire finds himself entrained, not beyond what he considers true facts and strict logic, but beyond what he deems prudent policy, he promptly compromises with his conscience, makes a temporary compact with the Evil One, and agrees to condone the religious felony he has been fulminating against—pending the advent of a more opportune time to punish it.

The Church, even as conceived by Mr. Aked, should surely be consistent. If the man or woman who manufactures stimulants is to be excommunicated because, in addition to the millions of good people who drink those stimulants in moderation, there are some who indulge in them to excess and are driven in consequence to poverty and crime, why not hold, for instance the manufacturer of gunpowder similarly responsible for the wholesale slaughter of human beings which the use of gunpowder involves? Or the manufacturer of playing cards answerable for the distressful effects of the gambling spirit prevalent among men? And so forth. Indeed, there would be more reason to condemn the gunpowder-maker than the maker of stimulants, for the former manufactures no small part of his product with the full knowledge and intention that it is to be used for murderous purposes (in war, for instance), whereas the latter's product is certainly not manufactured with the specific intention that it shall be indulged in to excess and thus cause misery and crime. It is its misuse, not its use, in spite of all that Mr. Aked says to the contrary, that brings about this result, and for the misuse of

stimulants the manufacturer of them can no more be held responsible than the manufacturer of gunpowder can be held responsible for the deaths of those who fall in war, or who use the gunpowder in order to take their own or their neighbors' lives. War and the manufacture of gunpowder, of course, are sanctioned by the Governments of the world. But so is the practice of manufacturing and drinking stimulants. Does Mr. Aked, as a Christian minister, approve the former any more than he does the latter? The Church, he implies, is to defy Cæsar in the one case, and excommunicate those whom Cæsar protects. Then why not act likewise in the other case. Is there the same astute reason for a suspense of judgment in this latter case as was advanced for not excommunicating the best men and women of the Church who are non-abstainers?

We are told that we live to-day in the age of reform. I believe we do. But it is a peculiarity of reform that it is liable itself to become the subject of reform in a later age. Have we not, as just exemplified, the spectacle of Mr. Aked reforming the doctrines of Him who may, to say the least, be called the greatest reformer this world has ever seen? If posterity ever christens our age, I fancy it will call it the age of reckless conclusions. Our worship of reason has reached the point of idolatry, and the true human god, Common Sense, has been relegated to the cellar. For this, I veritably believe, the professional experts and statisticians are indirectly responsible. They are par excellence the public nuisances of our day. To them is largely due the mass of reckless legislation which issues annually from the mills of our State parliaments, only to add to the multitude of freak laws which already disgrace our statute books. The problems which our forefathers tackled with cautious and diffident minds, we, in the plenitude of our latter-day wisdom, hack at frantically with knives and hatchets. We storm them with expert evidence

and statistics. We know the cause of everything, and are ready to apply the sure remedy for evils which have existed, and defied all the reason and the remedies of our ignorant ancestors, for thousands and thousands of years. It is no longer an age of progress that we live in, but an age of final arrival. If the cart does not go fast enough at this last stage, with the horse harnessed in front of it, presto! the conditions are reversed, and the cart is placed before the horse, with the full assurance that we shall reach our journey's end in a twinkling.

The drink evil, with its so-called concomitant evils, is one of the problems at issue. Mr. Aked has the true solution of it at his command, as thousands of others have, and he flourishes in his hand the usual magic wand that enables him to produce the miracle, viz: statistics. Statistics, among others, touching the relation of crime and poverty to drink.

That drink is the primary cause of crime and poverty, and that without it 90 per cent. of the crimes we now deplore would not be committed, has so long been the slogan of our would-be reformers that it has become, like the axiom of mathematics, a tacitly accepted fact, which to deny would be as serious as to deny that the earth revolves around the sun. The reason, in view of the trend of the age, is apparent. Statistics show that fifty per cent. of our prison inmates have indulged in drink to excess. *Ergo*: Drink caused their downfall and their lapse into crime. The fact never seems to occur to anyone that it might be just as logical to say that these unfortunates drank to excess because they were constitutionally criminal, as it is to say that they became criminal because they yielded to a constitutional craving for drink.

I anticipate the reply that these men succumbed to drink before they became criminals, and, inasmuch as the cause

always precedes the effect, the logical conclusion is that drinking led to crime, and not *vice versa.*

But does this answer really meet the point? Two facts may be concomitant, and yet have no relation to each other, or they may follow one another, and yet not necessarily bear to each other the relation of cause and effect. And at the same time these same two facts may be traceable to one common basic origin or cause. That criminals should be addicted to excessive indulgence in drink seems to me to be anything but surprising. No more surprising is the fact which is undoubted, that a person given to excessive drinking is frequently found to be a criminal. But to my mind, these two facts, broadly speaking, prove neither that drink and crime bear a relation to one another, nor that the one is the cause or the effect of the other. They prove, if they prove anything, that the tendency to crime and the tendency to drink have one common origin in the human being, viz: an inherent moral weakness, which incapacitates him from controlling his appetites and passions and resisting temptation. To say that, if the temptation to drink had been removed from him, he would never have become a criminal, is to say that which no one can prove to be true. If it were true, we should expect to find a minimum of criminals among those nations in which the drinking habit does not prevail at all, such as among Mahometan peoples. Yet, is crime less prevalent among the Turks, the Persians, or the Mahometans of the East Indies, than it is in our western civilization?

The same arguments apply to drink in its relation to poverty. It is commonly stated that most poverty is due to the ravages of drink. Incidentally it may be mentioned that the exhaustive investigations of Mr. Charles Booth into the cause of poverty in England led him to discover the surprising fact that only a small percentage of the paupers in the institutions he examined owed their condi-

tion to drink. I say the fact is surprising, for I should certainly have expected him to find a very different result; not because I believe that drink is the cause of poverty, but because I know that poverty for different reasons than crime is liable to engender a tendency to overindulge in drink. Those, in fact, who think they can remove poverty by destroying the source of drink, are putting the cart before the horse. Poverty and the misery that trails in its wake, drive more men to drink than *vice versa,* and by saving human beings from poverty we shall prevent far more drunkenness than we shall prevent poverty by saving men from the temptation of drink. In other words, there are far more men who drink to excess because they are poor than there are men who are poor because they drink to excess.

No one knows this better than the manufacturer of stimulants. It may surprise many men to hear that, whenever an industrial depression strikes the country, the business of the liquor manufacturer is the last to feel its effects, and that when trade once more resumes its normal condition, again the business of the liquor manufacturer is the last to benefit by the change. And what is the reason? Trade depression throws hundreds of thousands of men out of work. Misery results, and the natural tendency is to seek respite from misery in drink. Consequently a large portion of what the worker has hoarded for a rainy day is spent in drink. When it is dissipated, of course, he has no longer the wherewithal to procure liquor. The moment trade brightens again, and he finds employment, his need of the comforting stimulant has disappeared, and he refrains from indulging even in moderate drinking, until he has filled the void in the home exchequer created during the period of his misery. The conclusion here is evident that poverty is the inciting cause of the immoderate use of stimu-

lants, and that the moment that cause ceases to exist men relapse into their normal state of decency and moderation

I am aware, of course, that the origin of the criminal propensities of one generation of men is frequently traced to the vicious habits of their progenitors, excessive drinking being as usual assigned as the salient primary cause of degeneracy. Let us agree that it is. But, again, what does that prove? It proves merely that the father, or grandfather, or other ancestor of the criminal subject belonged to that unfortunate and ever-present percentage of mankind whose characters are inherently weak and unstable, and it is these characters that are liable to pass from the parent to the offspring, not the particular vices they have succumbed to; just as it is not a particular disease that is hereditary in certain families, but the propensity to acquire that disease. In other words, it is the soil that is handed down from father to son, not the seed or the plant that happens to thrive in that soil.

Hence it is this soil that should have the attention of our philanthropic gardeners, not the seeds that may fall upon it. To imagine that, by erecting a fence around it the soil will lose its peculiar fitness for certain undesirable vegetation, is no less absurd than to suppose that by withdrawing from the weakling the opportunities to indulge in a certain vice, let it be drink or any other form of excess, his weak nature will be cured and thenceforward render immune from the temptations that beset it in other directions.

It is extraordinary to what lengths our statistical friends are carried in drawing conclusions from the mere concomitancy of certain facts. Because there are saloons which are the haunts of the criminal classes, therefore, as Mr. Aked says, these saloons must be the breeding-ground of all crime, and if they were exterminated there would no longer be any criminals.

The conclusion is arrived at by the same faulty process

of logic as that which results in the assertion that drink is the cause of crime and poverty. In both cases, the only premise upon which the conclusion is reached consists in the circumstance that the propensity to drink and the propensity to commit crime are found to be co-existent in the same individuals. Is there any more reason for saying that the criminal saloon is the breeding-ground of the criminal classes than there is in saying that the criminal classes are the breeders of the criminal saloon? Who was there first. The criminal or the saloon? If it was the saloon, then the saloon must have commenced its existence, and continued to exist for a long time, without any patronage, and surely it is an undeniable fact that the existence of a particular class of patronage is a condition precedent to the establishment of the particular class of trade or business that caters to that patronage. It is always the demand that creates the supply, not *vice versa,* and the failure to recognize this patent fact is at the bottom of all the troubles which our latter-day reformers are constantly bringing upon themselves and the unfortunate world they are bent upon raising to a state of perfection.

I am not advancing a plea here for the existence of the criminal dive, any more than I am pleading the cause of the excessive drinker. Both are reprehensible, both are sore spots on our civilization. The question is, how can we best remedy the evil and heal the sores? I deny the postulate that because criminals haunt a certain class of saloons, which cater to their needs, therefore all saloons ought to be abolished, just as I oppose the proposition that, because some people drink in excess, therefore moderate drinking should not only be condemned, but made subject to the terrible punishment the Rev. Mr. Aked holds in reserve for it, pending the arrival of a more convenient time than the present for inflicting it.

In the extravagance of his denunciatory passion the rev-

erend gentleman commits himself to the startling assertion that moderate drinking is worse than drunkenness, and in his attempt to prove this assertion he gets strangely confused in his statistics and his logic. "Every man or woman," he says, in this particular connection, "familiar with the work of the churches has pondered, sometimes almost in agony of spirit, the problem presented by the mass of smug, callous indifference which no preaching or pleading can pierce." And to what cause does he ascribe this smug callous indifference? I give his own words: "The habitual use of intoxicating drink in quantities which never go beyond what is called 'moderation,' which has never caused drunkenness, and which probably never will, creates, more than anything else with which we have to do, the type of character so hard to move. * * * It is not drunkenness which is the preacher's deadliest enemy; it is drinking."

A strong statement, and a clinching one, assuredly, if it be true. But is it true, according to the testimony of the reverend gentleman himself? Listen to what he says when he requires the same statistics to prove the need of suspending judgment against the members of the Church who indulge in drink. "'It hath not pleased God to give His people salvation by dialectic,'" he quotes, "and in many-sided moral questions there are sentiments most real and potent which must be considered, but which can no more be expressed in syllogism or sorites than love can be measured with a yardstick or faith weighed by avoirdupois. Between the earnest Christian toiler on the one hand, loving God and loving men, genuinely misled into taking stimulants and sincerely ignorant of his duty—and the saloonkeeper and brewer on the other, whose sin is not accidental, but a trade, who earns a living by wrecking the bodies and damning the souls of men, and who accumulates more money as he accomplishes more iniquity, there roll un-

fathomed oceans of moral distinction. *Some of the best men and women the Church has ever known have been non-abstainers.*"

Here we have, then, an example of the same statistics, brought to bear in two ways upon the moderate drinking habits of the church member, and leading of necessity to two directly opposite conclusions. And if we take these two conclusions and use them as the premises of a new syllogism, we arrive at the final grand conclusion that "the smug, callously indifferent church members" and "the best men and women the Church has ever known" are one and the same people.

Truly, a wonderful result of logic, or sorites, as Mr. Aked—I wonder whether intentionally—calls his syllogistic process. I was taught that the original meaning of the term sorites was the leading up from true premises to a manifestly false conclusion. Did the Rev. Mr. Aked realize the peculiar appropriateness of the term when he employed it in reference to his own system of logic?

A line of argument, to be convincing, must not only be consistent, but it must be sincere. To stretch a point in order to reach a desired conclusion is neither profitable to the argument, nor is it truthful. To say, for instance, as Mr. Aked does, that people who drink in moderation are dull and heavy and stupid, and devoid of quick responsiveness, generous ardor, and warm-hearted zeal, is to state what millions of people, who have the same opportunities of observation as Mr. Aked has, know to be directly contrary to the truth. The trouble with men of Mr. Aked's pronounced opinions is that they are too apt to argue from their preconceived conclusions to the premises necessary to establish them, instead of reversing the process. All experts agree on the subject of the dangerous effects of the excessive use of alcohol, but all experts do not agree on

the subject of the effects of alcohol when consumed in moderate quantities.

It may be conceded at once that some people should not use alcohol in any quantities. But some people are also compelled to avoid dark meats, starchy foods, tomatoes, etc., etc., because they happen to be predisposed to certain ailments, which such articles of diet are liable to aggravate. A common piece of expert evidence we frequently hear adduced in proof of the harmful effects of alcohol is the fact that the introduction of a certain quantity of liquor into the human system serves markedly to decrease the working capacity of the subject. I read, for instance, in a recent publication that a certain expert physician had found such a decrease of working capacity to be produced among the workers in a factory after he had caused them to imbibe thirty-five grains (over an ounce) of alcohol. Would this scientist have been equally astonished to find the same decrease in the working capacity of these men produced by their eating two meals at the same time? In the first case, the writer, who bases his argument on these particular statistics, reasons from them that such a thirty-five gram dose of alcohol on each week-day of the year would suffice to keep a man permanently alcoholized to a scientifically measurable extent. Would it not follow, then, in the second case, that, because a man suffers indigestion from eating two meals at one time, his stomach must become permanently ruined if he consumes two such meals in the course of every twenty-four hours?

Everyone with any experience knows that the indulgence in an appreciable quantity of alcohol during working hours is not conducive to an increase of the working capacity of the person who thus indulges, any more than the eating of a too hearty meal at midday is. All things have their time and their purpose, and alcohol is no exception. Why, then, accuse alcohol of that which we con-

done or pass over in silence in the case of all other articles of diet?

But let me conclude. I have no quarrel with the Rev. Mr. Aked on account of his selection and application of available statistics, except that I believe he, like many others, misapplies them. But, as a follower and worshipper, however humble, of the Savior of mankind, I have a serious and righteous quarrel with him as a mouthpiece of that Savior, when he uses his sacred office, not to preach the Word of God to those whom he considers wrongdoers, but to deny them the comfort and the healing power of that Word, which was given to all men alike. Never has the extravagance of the movement which is so deplorably misnamed the temperance movement been more forcibly and shockingly brought home to me than it has been by the perusal of this article from the pen of a prominent Christian minister. If it has been left to a mere laymen like myself to lift his solitary voice in protest against this travesty of Christ's message to man, the fact will not redound to the credit of the thousands of Christian ministers who stand by and allow it to pass unrebuked.

Fairness has always been one of the prime characteristics of the Anglo-Saxon race. Yet, strangely enough, to-day the extravagant and persistent vituperation proceeding from a host of men who, from the nature of their calling, can command and hold the attention of the public, and who are gifted, above the ordinary being, with the powers of dialectic, has so cowed the generality of men, that, not only are many fair-minded and disinterested persons, who in their hearts disapprove this violence and extravagance, reluctant to enter the lists with them, but to a large extent the press itself, for political and other reasons, deems it wise to close its columns, both to these fair-minded and disinterested onlookers, and to those inter-

ested ones, whom Mr. Aked and his adherents would see annihilated, body and soul, without a trial, without a hearing, without even the ordinary human privileges which are accorded to the humblest and meanest applicant at the bar of public opinion.

Every question, however plausible one side of it may appear, has another side to it, and the inability or the want of opportunity to present that other side must not be mistaken for proof of its weakness or its non-existence. It is perhaps scarcely fair to expect of men whose calling is purely commercial that they shall of a sudden don dialectical armor, and sally forth, lance in hand, to give successful battle to an army of professional champions adept in all the arts and practices of the polemical joust. But it may in all fairness be expected by these men, and by the greater public, who are the final judges of a tourney, that the one side, when challenged to the fray, shall not be deprived of the use of those weapons which the other side is privileged to employ, and which it is able to employ with all the superior skill of the trained expert.

The present writer is one of these men, and he is keenly alive to the fact that he may be lamentably deficient in those qualities which are necessary to enable him to cope with the intelligence, the erudition, and the rhetorical powers of men of Mr. Aked's natural ability and culture. If he is, let the fact serve as a proof of the inequality of the champions, not of the merit or the demerit of their respective causes.

Is the Art of Preaching a Lost One?

BY V. M. O'SHAUGHNESSY.

Not so many years ago, the end of all sermons and moral teaching was the betterment of the individual character, the strengthening of the moral purpose, the awakening or revivifying of the conscience.

Men were sought to be made better, not by the removal of the occasions of sin, for these differ for each and every individual, but by urging adherence to those strong principles of right, which are the basis of all the good the world has ever known.

The explanation of these principles with the logical results of their acceptance and application followed by the strong plea for their acceptance and application formed the rich theme of all preaching and teaching.

How beautifully the old-time divine developed the two great commandments! How sublimely the ten old laws shone out, illumined by the light of the sacred writings when the curtain was lifted by the worshipful hand of the earnest speaker!

"Remember that thou keep holy the Sabbath Day," was not sought to be enforced by a bill to prohibit Sunday base-ball, but was made a principle of loving duty to the Divine Creator.

"Thou shalt not take the name of the Lord thy God in vain," was not attempted to be made law by removing the name of God from the dictionaries, but by showing that the great loving Lord, watching over Israel, deserved that respect, which demanded that His name be called only in a worthy purpose. Is the art lost? Are the pulpits no longer able to enunciate principles—to enrapture their hearers by ringing the glorious changes of divine harmony upon the old-time scale of right?

Must we prohibit money because people steal ? Books, because from them some draw false conclusions? Speech, because of calumny and slander and lies? Where shall we stop? Can there be any way of removing all possible opportunities of transgression? Are we striving for the true object?

There are some theories that change with time, there were some fancies that are now facts, and there were some accepted facts that are now but patent fallacies, but there are also axiomatic truths and eternal principles, and these old-time truths and principles must form the basis of all character.

Without them there can be no morality—with them an ever better people—and in their inculcation the only real moral uplifting.

Has the art been lost?

The National Model License League

BY T. M. GILMORE, PRESIDENT.

The National Model License League was organized in October, 1907, in Louisville, Ky. The purpose for which this movement was formed was to offer a solution of the liquor problem to the press, and to the conservative element in society in opposition to the radical measures proposed by the Anti-Saloon League.

The men connected with this organization are closely in touch with the liquor question, and understand it in all of its details, and they agree with the press of this country that the lawless saloon should be put out of business; that the dive should be eliminated, and that gambling and vice in general should not flourish in connection with the sale of alcoholic beverages.

They believe that the demand for alcoholic beverages is as legitimate as the demand for food—that is, they believe that people have just as much right to drink as they have to eat—but they believe that the men who cater to those who would drink should conduct their places decently, and in strict accord with the laws of the community in which they do business.

They believe that most of the evils connected with the liquor traffic are due to the imperfections of our present excise laws.

They believe that the saloon keeper has not been given a fair show, and that when he is given a fair show he will immediately respond by bringing his business up to its higher possibilities.

They believe that the saloon keeper should be made a free man—that he should be relieved from the domination of political bosses and licensing boards—and to do this they contend that the license to retail liquors should continue year after year, just as the license to run a restaurant or dry goods store or a newspaper continues, and that no one should have the right to take a man's license away from him unless he violates the law, or unless the people decide by a majority of all voters that the business should be eliminated.

We do not agree that prohibition or local option is right in theory or in practice, but we do believe that the individual license should be sacred so long as the holder is not convicted of the violation of law, and so long as local option or prohibition does not prevail.

We believe that the number of saloons should be limited to not exceeding one for each five hundred of the population, because it is of very great importance that each license be given a sufficient value to encourage the holder to preserve it by obedience to law.

We believe that high license is wrong in principle, and is shown to be wrong by experience. If the liquor business is right, the men who are engaged in it should be treated fairly, and should not be penalized; if it is right for people to drink, then it is right for people to sell things to drink; if the sale of drinks is right, then the man who caters to those who would drink should be treated with as much consideration as the man who caters to those who would eat.

We insist, therefore, that license fees should be reasonable, because high license compels the handling of inferior beverages; we believe in absolute obedience to law and to insure this we would give the saloonkeeper a license of

very great value as outlined above, and then we would provide for the first conviction by a jury of the violation of law by the holder of a license, the license should be suspended for thirty days, and for the second conviction it should be canceled and the holder never again licensed to retail liquors in that State.

We would have the license so drawn as to provide that conviction should, first, suspend, and next cancel the license, so as to take all discretion away from the political influences that in the past have enslaved the retail liquor dealers of this country.

These views in regard to licensing the saloon have been endorsed by practically the entire daily press of the United States. During the month of February of this year, by actual measurement, this organization was given nearly seven million solid columns of space in the daily papers of the country. It has also received attention from the leading magazines, such as *McClure's, Collier's, Harper's,* the *Outlook,* and the like.

An article written by the president was published in the *Outlook* for February 13, 1910, and in the *Outlook* for March 19, 1910, four columns were devoted to this movement.

Up to the present time five States have incorporated the principles advocated by this league into their excise laws, with the exception of the first-named—that is, perpetual license. We realize that it will take time to educate the public to an understanding of the importance of this idea, and of the fact that there is no danger in it to society.

All that we ask is that the saloon keeper shall have the same right to continue year after year in his business that every other merchant has, and it will be seen in time that the objections offered to this provision are absurd and unwarranted, and that there is no more reason to say that a law of this kind would fasten perpetual liquor franchises on

society, than there is to say that the average merchant or the average publisher has a perpetual franchise simply because he has a right to demand that his license to do business be renewed each year if his business be one that is licensed, so long as he conducts his business properly.

Until this right is extended to the retail liquor dealer, the liquor problem will not be solved, and the liquor dealer will not be eliminated from politics, because under present conditions he is forced by the law of self-preservation to be eternally in politics, and no arguments that can be made, and no eloquence, and no persuasiveness will have as much force with him as this law of self-preservation.

The National Model License League has the enthusiastic support of every element in the trade, as well as that of every man, be he minister, lawyer, doctor, or plain citizen, understanding what model license law really means.

At our third annual convention, held in St. Louis in February, resolutions setting forth model license law as the only practical solution of the liquor problem and the only practical method of combating prohibition were signed by ministers, mayors, distillers, brewers, wholesalers, retailers and supply-men, and it gives us pleasure to note the fact that Mr. Timothy McDonough, president of the National (Retail) Liquor League, was one of those who endorsed the league before the convention and affixed his signature to our resolutions.

Protest Against the Prohibition Idea

BY HENRY WATTERSON.

At the close of a masterful address delivered at a gathering of representative Kentucky citizens, Mr. Henry Watterson, distinguished statesman, noted journalist and orator, said:

"I protest against that religion which sands the sugar and waters the milk before it goes to its prayers. I protest against that morality which poses as a saint in public to do as it pleases in private. As the old woman said of the old man's swearing, 'If there's anything I do hybominate, it is hypocrisy.' In my opinion, that which threatens Kentucky are not the gentlemanly vices, but perfidy and phariseeism in public and in private life.

"The men who made the Blue Grass famous, who put the brand of glory upon its women, its horses and its vintage, were not ashamed to take a drink nor to lay a wager; though they paid their losses and understood where to draw the line. They marked the distinction between moderation and intemperance. They did not need to be told what honor is. They believed, as I believe, that there is such a thing as pretending to more virtue than honest mortals can hope to attain.

"I know very well how I shall be rated for saying this; how my words will be misrepresented and misquoted and misconstrued; I told you not to ask me to come here, but

being here, I am bound to speak as I am given the mind to think and the light to see, and to warn our people against the intrusion of certain 'isms,' which describe themselves as 'progress' and muster under the standards of what they call 'God and Morality,' but which fifty years ago went by a very different name; 'isms' which take their spirit from Cotton Mather, not from Jesus Christ; 'isms' which where they can not rule, would burn at the stake; 'isms' which embrace the sum of all fanaticism and intolerance, proposing that instead of the rich, red blood of Virginia, ice water shall flow through the veins of the people; 'isms' which, in one word, would blot Kentucky out of the galaxy of stars and recreate her in the dread image of Maine and Kansas.

"I refuse to yield to these. Holding the ministry in reverence as spiritual advisers, rejecting them as emissaries of temporal power, I do not intend, if I can help it, to be compelled to accept a rule of modern clericalism, which, if it could have its bent and sway, would revive for us the priest-ridden systems of the middle ages. I do not care to live in a world that is too good to be genial; too ascetic to be honest; too proscriptive to be happy. I do not believe that men can be legislated into angels—even red-nosed angels. The 'blue laws' of New England—dead letters for the most part—did more harm to the people, whilst they lasted, than all other agencies united. I would leave them in the cold storage, to which the execration of some and the neglect of all, consigned them long ago, not embalm them and import them to Kentucky to poison the meat and drink and character of the people. I shall leave my home life, my professional career and my familiar associates to say whether I do not place, and have not always placed, the integrity of man, the purity of woman and the sanctity of religion above all earthly things; but I hope never to grow too old to make merry with my friends and forget for a

little that I am no longer one and twenty! When the time arrives for me to go to my account, I mean to go shouting; to go with my flag flying, and, as I have never lied to the people of Kentucky, please God I never shall. I have told them a great many unpalatable things. I have met their disapproval full in the face. I have lived to see most of my admonitions against this, that and the other vain hope vindicated by events. I want to live yet a little longer still to tell the truth and shame the devil; but if obscurity and adversity and neglect shall overtake me it will be a comfort even in the valley of the shadow of death that from first to last I fought, not for the speckled gospels of the short-haired men of Babylon, but for the simple manhood and lovely womanhood of old Kentucky—never New Kentucky, but always and forever Old Kentucky—your birthright and mine."

Charles W. Eliot, Ex-President of Harvard University, on Prohibition

Ex-President Eliot, of Harvard, sums up the whole case against prohibition in its effects on the social and political life. He says:

"The efforts to enforce it [prohibition] during forty years past have had some unlooked for effects on public respect for courts, judicial procedure, oaths and law, Legislatures and public servants. The public has seen law defied, a whole generation of habitual law-breakers, schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delay, perjuries, negligence and other miscarriages of justice; officers of the law double-faced and mercenary, legislators timid and insincere."

Such is the character and the record of prohibition.

County Local Option a Misnomer

BY JOSEPH DEBAR.

All public movements having for their object the betterment of economic conditions, undoubtedly have their origin in sincerity of purpose on the part of some of their promoters.

We say some, because in all large movements there are always found supporters who join for profit and not for principle. Many great reforms fail because they are unpractical, and where such efforts fail it is frequently due to the insincere and the venal gaining control of the movement. And it is among the venal—the reformers for revenue only—that we find the noisy and blatant.

The demagogue, equipped with voice and lungs, not seldom leads and brushes aside the thinker and the capable executive, and it is at this stage that we find the weak, the vacillating and the incompetent attracted by the noise of the procession. They swing into line and march to the cadence of others' footsteps and help swell the throng.

This panorama of voters attracts the politician who looks for votes at all times, votes only—votes now—and plenty of them. The future does not interest him, nor does the welfare of the country. And the grandstand and gallery artists of all grades and varieties—they, too, follow the multitude and crowd up near the head of the show, close to the brass band and the banners. Hence we see popular

outbreaks starting with some merit and some principle go on to success for a time—later we see them recede and wither. The blight is not hard to find. What begins in good morals must persevere in good morals if it would win. What has its foundation in justice must go forward in justice if it would command respect. What originates in purity of purpose must work with clean hands or meet with condemnation and failure. The blight is always found in deviation from immutable principles of justice and right.

The Anti-Saloon League is now recognized as the organization under whose guidance the prohibition activities of the various States are being carried on. It had its origin among a few sincere people who honestly deplored the objectionable features of some American saloons. In the beginning of its career the Anti-Saloon League openly proclaimed that it was not opposed to the sale of liquor, but complained of and sought to remedy—only the evil and offensive saloon. This announcement appealed to an outraged public sense, for many saloons of recent years certainly needed renovating in many respects and in numerous localities. Under the false pretense of opposing only the objectionable saloon the Anti-Saloon League started its present crusade against anything and everything connected with the manufacture and sale of liquor.

The leadership of the anti-liquor movement soon drifted into the hands of the professional salary drawers. Its ranks were soon filled with the crank reformers and the motlies of all persuasions.

With their first marked successes the title of their organization became a misnomer and a deception, for the entire movement, beginning with a promised reformation of saloon conditions, drifted rapidly into the total prohibition camp, until in an interview with Purley A. Baker, National Superintendent of the Anti-Saloon League, printed in the Cincinnati *Enquirer,* February 23, 1908, we read the

following utterance, in reply to a question by the interviewer:

"Are you working towards final prohibition in all the States?"

"There is no reason for me to dodge that question. Yes! Prohibition of the liquor traffic everywhere in this country is the end toward which we hope and labor."

Having made evident the fact that the Anti-Saloon League has been sailing for some time under false colors in its attitude towards the liquor industries, it is not remarkable that this same sinister organization should be dishonest in the methods it adopts to attain its vaunted end of "prohibition of the liquor traffic everywhere in this country."

The doctrine of "total prohibition" is an unpopular one among thinking people who have studied its devious workings and fathomed its malign and degrading effects upon public morals. The Anti-Saloon League therefore with the same perspicacious dishonesty which induced it to seek and enabled it to secure votes and gain contributions by deceiving the public concerning its attitude towards prohibition, first announced its advocacy of the doctrine of local option as against total prohibition, and by a campaign of mendacity along these lines led the people, and especially the voting public to believe that it really desired to inaugurate and uphold the principles of local self-government concerning the liquor industries.

Before proceeding to discuss the attitude of the Anti-Saloon League towards local option, let us first ascertain the true meaning of this comparatively new shibboleth in legislatively enforced morality—this widely used and as widely misunderstood and greatly misleading war cry. Many people who are intelligent and fair on most topics seem to lose reason when discussing anything connected with the liquor question. Hence the frequently perverted

use of the term Local Option. "Local" is not a difficult word; it is found in all dictionaries. Webster defines it as of or pertaining to a particular place or to a definite region or portion of space restricted to one place. "Option" is defined in the same book as—the power of choosing, the right of choice or election—an alternative.

Therefore Local Option means the right or power of local choice as applied to the liquor question; it means the right of local choice to have liquor sold in a locality or to prevent its sale.

The writer of these lines is one of many who do not believe in the doctrine that fifty-one votes in a hundred in any community or in any division or subdivision of any community, should have the right to deprive the other forty-nine voters in every hundred of the right to buy and use alcoholic beverages if the forty-nine decide to purchase and use them. But if there be any justice in a sumptuary law of this nature, the law, when put in application, can be effective only when the subdivision of the community invoking it is small and where the voters recording their sentiments are really in a large and active majority in the small section of territory to which the prohibition of liquor applies. Granting that under certain conditions the people of any municipal subdivision or of a small town or village should by a majority vote exclude the sale of liquor, the chances are that with a fairly large majority the sentiment would be strong enough to sustain the law and secure a reasonably strict enforcement of it.

But the Anti-Saloon League was not satisfied with such conditions, and pressed onward in its total prohibition campaign, by demanding what it called *"County* Local Option."

Right here we find the line of cleavage between the honest and the sincere reformers who desire just measures and those who agitate for a livelihood only.

To stop at those things which might benefit the public is never any part of the program of the professional reformer. The Anti-Saloon League is financed by contributions from Sunday-school children and pass-the-plate church collections, supplemented at intervals by donations from "predatory wealth" and favor-seeking corporations. Its heelers know that to stop means disaster to their incomes. Agitation must go on—no agitation no income to the league, no income to the league no salaries for the heelers.

So the next move of the salaried leaders was for *"County* Local Option."

We can best illustrate the unfairness of a law of this character, by citing specific instances.

In Ohio, before the passage of the so-called *County* Local Option law, we had two statutes giving to towns and townships the option of local self-rule on the liquor question. Under one of these, known as the Beal law, towns and villages could ask for an election on the petition of forty per cent. of their qualified voters.

Townships (rural districts not incorporated) could call an election on a petition of twenty-five per cent. of their legal voters. Under these two statutes we had four entire counties in Ohio made dry by all the towns in them voting dry, and all the townships doing the same thing. Thus we saw whole counties made "dry" by a genuinely local vote—a vote which in the towns and in the townships voting consecutively expressed the true majority sentiment of the voters.

But the agitators saw that out of eighty-eight counties in the State only four could be made "dry" by an honest expression at the ballot-box. This meager showing was not conducive to the spectacular in their prohibition campaign. Therefore the methods of dishonesty were invoked to stir up the populace. "County Local Option" became the new shibboleth.

Let us examine the true meaning of this term. "County!" "Local!" "Option!" Many counties in Ohio measure from thirty-five to forty miles in length and breadth. In some of them there are towns and cities ranging from five to fifty thousand of population. From these we exclude the four counties containing the great cities of the State.

Let us next examine the result of a vote in one of these populous counties under the so-called "County Local Option" law, Muskingum county, of which Zanesville is the county seat.

Here we have a city of about 28,000 people, with a total vote of 7,250. When the election took place under the "County Local Option" law (known in Ohio as the Rose law), Zanesville gave a majority of 1,414 in favor of the sale of liquor—to use the common phrase Zanesville went "wet" by 1,414 votes.

The total population of the county is about 55,000, with a total vote of 14,973 (at the "wet" and "dry" election). In the "County Local Option" election the county as a whole gave a "dry" majority of 1,011. Under an iniquitous and unjust provision of the law, where a county as a whole votes "dry," the entire county becomes "dry" territory. Where the county as a whole votes "wet," those towns which under the Beal town law and under the township law previously mentioned had voted "dry," remain "dry." This is a piece of "heads I win, tails you lose" legislative chicanery which has been introduced in all of the Anti-Saloon League's so-called "County Local Option" measures, in other States as well as in Ohio.

Applying these conditions to Muskingum County, we see that the city of Zanesville, the county seat, with a population of 28,000 and a vote of 7,250, gave a "wet" majority of 1,414 votes, and yet this city is obliged to become "dry" territory, because the majority vote of the county as a whole placed the county in the "dry"column. This illustrates the

fact that when so-called local option law is extended to the limits of a territory as large as an ordinary Ohio county, it becomes an engine of tyranny and oppression, and such a law so applied may be justly termed a "county coercion law" or a "county force law."

The city of Zanesville is plainly deprived of its right of option on the liquor question, and is compelled to submit to a county dictum enforced by the votes of a remote rural population. In this particular instance many of the farmers who helped vote Zanesville "dry," live ten, fifteen, twenty miles away, do their trading in Newark or Coshocton, the county seats of adjoining counties. Some of them do not even visit Zanesville to pay taxes, but send their tax checks to the county treasurer in Zanesville by mail.

The same condition holds good in the adjoining county of Licking, of which Newark is the county seat. The city of Newark gave a "wet" majority of 1,557, but was forced to be "dry" territory by the rural vote. The same is true of Coshocton—the adjoining county—the town Coshocton, the county seat, voted "wet" by 877, but the county forced the city to become "dry" by a vote of 584 majority. The same is true of Springfield, Ohio, a city of about 47,000 and the county seat of Clark County. The county, with a total population of nearly 60,000, and a total vote of 17,397, went "dry" by only 139 majority.

Thus we see how absolutely the extension of local option to anything beyond a very small subdivision of local government destroys the very essence of the alleged purpose of the system.

County local option becomes county coercion. *County local option destroys all option in the towns and cities whose inhabitants repudiate prohibition by their votes.* It utterly subverts home rule, not alone in the determination of the liquor question, but in many other matters of urgent municipal necessity.

Zanesville, for instance, had eighty-three saloons paying a tax of $1,000 each per annum. Under the Ohio law one-half of each one thousand dollars' tax fee ($500) went to the city fund, two hundred dollars to the county fund, and three hundred dollars to the State of Ohio for State purposes.

Therefore by the majority vote of the people who do not live in Zanesville, have no interest in Zanesville, seldom visit that city, and care nothing about its welfare, the city treasury of Zanesville is mulcted out of $41,500, which must be raised by other forms of taxation upon the property of residents of the city. Thus the whole fiscal arrangement of the city is overturned and interfered with chiefly by the votes of non-residents. What is true of the instances cited is equally true in degree of population of some forty other cities and towns of the State, towns which voted "wet" in some cases by large majorities, but which are forced to be "dry" by the rural preponderance.

Is there any "option" in all this to the towns and cities thus forced to be "dry" territory? Is there any choice, for that is what we have shown option to mean? Is there any *local* home rule feature allowed such towns and cities thus forced to be "dry" against the recorded majority vote of their inhabitants? No option at all, certainly no *local* choice of program and not even local choice of methods or means of raising revenue in their home locality for home purposes.

These are samples of the methods of the Anti-Saloon League. This is a truthful exposition of their mendacity concerning their advocacy of what they try to fake the public into believing is "home rule" on the liquor question—Local Option—without any local feature and without any option.

A cause which resorts to such methods must be intrinsically bad. An organization which evokes, invents and employs such methods under the leadership of ministers of

the gospel is a menace to all Government and a danger to the moral and economic well-being of our country.

Much that has been written in the foregoing effort to explain the true inwardness of *County Local Option* may seem elementary to those who have given this question study.

It is surprising how few people do study these questions. *County Local Option* as a suggestion sounds well to those who do not think. If local option is good in a city, precinct or ward, or in a village or small town, why not in a county—on the principle followed by the patient who swallowed a whole bottle of medicine, in the belief that if the doctor's prescription of a teaspoonful was good for him, the whole bottle full would effect an immediate cure.

Time and experience are demonstrating the true character of this latest Anti-Saloon League panacea. Like State-wide prohibition, county prohibition does not prohibit. The same ineradicable traits of human nature which make State-wide prohibition a failure, bring the same results in the county form of the same old evil. What is wrong as a whole is never right in parts. What is a failure where extended to State limits is only a little less a failure when confined to a county.

Local option must be local and it must confer, not take away, an option.

Anything else spells failure.

County Option Defined

IT DESTROYS BOTH LOCAL OPTION AND HOME RULE—ITS SOLE PURPOSE, STATUTORY PROHIBITION.

(From the *World-Herald*, September 26, 1909, by James C. Dahlman, Mayor of Omaha, Neb.)

A careful perusal of the within will dispel many erroneous impressions on a subject of vast importance to the State:

To My Fellow Citizens—

What does "county option" mean? Most men know that the term relates to proposed legislation on the subject of the liquor traffic, and many suppose it to be a system almost identical in principle with local option.

Such supposition is erroneous. The truth is that "county option" would, if enacted, destroy local option.

Nebraska's local option system was enacted into law in 1881, and has been in force ever since. It guarantees to villages, towns, and cities the full measure of home rule in respect to the control of the liquor traffic. Under the terms of this time-honored law any incorporated municipality, by a vote of its legal electors, has the power to issue licenses for the sale of liquor, or to decline to do so. In other words, the local community has the right to exercise option in the matter, and the majority rules. This cardinal principle has made the Nebraska law famous all

over the country. It is in perfect harmony with enlightened popular sentiment and with the teachings of political economists of renown. The president of the league of American Municipalities, Horace E. Deming, addressing the last annual convention, declared that the best authorities on municipal government are strenuously advocating a larger measure of home rule. The New York *Outlook* of recent dates voices this sentiment in a remarkable editorial advocating laws or constitutional amendments in the States, delegating to cities and towns the power to write and to adopt by popular vote municipal charters irrespective of the Legislature.

I had a bill based on this principle introduced in the last Nebraska Legislature which passed the House, but was defeated in the Senate. It proposed to empower the people of cities to devise their charters, adopting them by popular vote. Discussing such a measure the *Outlook* of September 4 says: "It would be in accord with American principles of government. As it is, the people of the United States that create and amend the Constitution of the United States, and as it is the people of the State that create and amend the Constitution of the State, so it is the people of the city that should create and have the power to amend the charter, that is, the constitution of the city. * * * Let the city, then, by means preferably of a constitutional provision, be empowered to make its own charter for its own government over its own affairs."

This means absolute home rule. It is the tendency of the times. The soundness of the principle never had a better illustration than is found in the provisions of the Nebraska law for the regulation of the liquor traffic. Way back in 1881 the people of this State enacted into law the home rule principle, and time and experience have shown the wisdom of such policy. The law has always been popular because it gave to every community the right to

manage its domestic affairs to suit the will of the majority. It protects the people of a village or city against interference by outsiders.

GROSS DECEPTION PRACTICED.

The popularity of the Nebraska local option law has always been a formidable barrier against invasion by the agitators for State-wide prohibition. Statutory prohibition has proved so detrimental to States having tried it that its advocates find it necessary to give it another name. In Nebraska they have named it "County Option," not because there is anything optional in their scheme, but because by the use of the word option they gain for their plan a share of the popularity enjoyed by the local option law. In other words, the professional prohibitionists know that many voters would not support any proposed labeled "prohibition," whereas they can be induced to look with favor upon a plan that gives them an optional vote in the matter of regulating the liquor traffic. The unwillingness of the old-school prohibitionists to agree with the advocates of so-called "county option" was based upon traditional opposition to any scheme purporting to give the voter the option of voting for license if he will, for they have always denounced every principle under which the liquor traffic could be licensed; but at the York conference I am told it was recently explained that under the so-called county option plan no one would be permitted to have his vote for license made effective, and in this way it is said the dissenters were pacified.

Thus we see that so-called county option is a misnomer. The word "option" is used to deceive the voter. There is no scheme of option in the proposition now being advanced by the "county optionists." Under the terms of the proposed law, the utmost care is taken to make sure

that every wet vote cast shall be suppressed and shorn of force and effect, while every vote for the dry policy shall be counted and made effective. In other words, the "county optionist" invites the voter into the voting booth to exercise the right of an elector to cast a ballot for or against the proposition to license the sale of liquor, while at the same time the county optionist knows that every vote for the license policy will be suppressed. It is barefaced deception. It is an attempt to win support through trickery and false pretense. It is dishonest because many voters are led to believe that such a law if enacted by the Legislature would enable them to vote for the wet policy covering the whole county or for the dry policy covering the whole county. This is untrue, for the voter would not be given option in the matter.

THE PROPOSED LAW.

The proposed law would divest the voter of a semblance of option. Perhaps in this connection it would be well to insert a copy of the "county option" bill introduced in the last two sessions of the Nebraska Legislature, to-wit:

"If a majority of all the voters voting at such election on such license question shall have voted in favor of granting license, then the no-license proposition shall be lost, PROVIDED, That nothing herein shall be construed to prohibit any city council, board of village trustees, or county board, from withholding license *the same as if the question had not been submitted to the county.*

"If a majority of all the voters voting at such election on such license question shall have voted against granting license THEN no city council, village trustees or county board, nor any other authority within such county, shall have the power to grant license."

The above language means that upon the enactment of

such a law, the question being put to a vote of all the electors of a county, and a majority voting in favor of granting license, nothing in the proposed law shall prevent any village, city or county from withholding license. That is to say, the will of the majority may be nullified by city and county officials at pleasure, so far as the terms of the bill apply. But the practical result would be the remanding of the question to incorporated villages and cities for settlement as it is done under existing law. No dry town would be permitted to become wet as a result of such county election.

Now look at the other side of it. Under the proposed bill if a majority of the votes of a county shall be for the dry policy then in that event the entire area shall be dry. Every wet town would then be forced dry. Every ballot cast would be given its full force and effect.

Thus it is readily seen that so-called county option is simply county prohibition. There is not a word in the bill that would permit the issuance of a liquor license. The advocates of county option should be compelled to admit that their scheme contemplates only county and State-wide prohibition, and they should be forced to abandon the use of the word "option" in their appeals to voters.

OLD LAW PROVIDES COUNTY OPTION.

In the language of the bill above quoted there is an important point not likely to occur to the reader who is unfamiliar with the terms of the Slocum law. It will be noticed that in both clauses county boards are included with villages and cities as subject to the provisions of the bill. The man who wrote that bill knew that the Slocum law provided genuine county option, or he would not have been so specific. If the prohibitionists were honestly seeking county option only they would be content with provi-

sions of law such as Nebraska has had since 1881. When the late Lorenzo Crounse was governor he publicly described this feature of the Slocum law in the following language:

"Now with regard to the Slocum law, while I can not recall its features in detail, one of its most striking features is that it is in its nature a local option law; that is, it allows the authorities of a county to control the liquor traffic. We have ninety counties in this State, and many of those counties have virtually prohibition. In some of our counties three commissioners transact the business of the county. In others we have township organization, and a representative from each township, making from ten to fifteen in one county, goes to form the county board. And the question resides with those bodies whether they will allow license or not. No license can be granted for less than $500 in any instance, but they are at liberty to increase that license at their pleasure."

The provision of the Slocum law to which the governor referred was Section 1, to-wit:

"Section 1. The county board of each county may grant license for the sale of malt, spirituous and vinous liquors if deemed expedient, upon the application by petition of thirty of the resident freeholders of the township if the county is under township organization. The county board shall not have authority to issue any license for the sale of liquors in any city or incorporated village or within two miles of the same."

These quotations make it plain that every rural community within the limits of a township, as well as those in villages and cities, have the right of local option in the matter of granting liquor licenses. In this way the territory of the whole county is covered.

IT IS COUNTY PROHIBITION.

In view of all the facts above recited it will readily be seen that the prohibitionists are not honestly striving for a scheme of county option, but that they have another object in view. It is not difficult to see what that object really is. Any one who takes time to study the matter must conclude that the so-called county optionists are simply working for county prohibition as the shortest cut to State-wide prohibition.

The *Omaha Issue,* organ of the Douglas County Anti-Saloon League, says:

"We have learned by the experience of the Southern States that county option is the stepping stone to State-wide prohibition, and for this reason we favor it. Anti-saloonists are just as strong prohibitionists as are those who spell it with a big P, but they believe a half loaf is better than no bread."

WOULD DESTROY HOME RULE.

There is another important feature of the "county option" scheme. The point at which it most radically differs from local option is in the fact that it would destroy the right of a community to decide the question of licensing the sale of liquor. It would take away from an incorporated village the right to decide for itself the question of issuing licenses. It would empower voters outside of a village or city to cast ballots on the question of adopting a policy which would forfeit thousands of dollars of license fees now paid by liquor dealers into local treasuries, including the school fund. Taxpayers of a school district can not be assessed to pay for maintaining schools of another district wherein they have no legal vote nor voice in conduct of the schools. Neither can they legally vote to levy a school tax upon property located in a district in

which they do not reside. The resident of a village whose property is taxed to maintain local government can not legally vote on questions concerning only the local taxpayers of a neighboring village. His will is registered only in relation to the domestic affairs of the incorporated division in which he has a legal residence. To permit him to participate in conducting the affairs of a village in which he does not reside robs the legal voters therein of their constitutional right to manage their own affairs in obedience to the will of the majority of legal voters within the limits of the village or city. That would be subversive of the right of home rule. Now this is precisely what the scheme of so-called county option is designed to do, viz.: The destruction of home rule, by admitting the electorate of an entire county to a voice in questions concerning only the taxpayers of a village or a city. Under the scheme the voters of a remote rural district would be enabled to cast ballots against the policy of collecting a liquor license tax in a village perhaps fifty miles distant, in which they could not legally vote and in which they had no property to be taxed an additional amount to make up the deficit in the school fund due to the abolition of the license tax. If a majority of the taxpayers of the village or city wish the license tax to be collected their will should prevail. They are the men who pay the taxes for maintaining local government, and no power can justly be given to outsiders to impose their will upon such village in a way that would compel the local taxpayers to pay more taxes for maintaining their own government, or in any other way. This is precisely what alleged county option aims to do. It strikes at the heart of the principle of home rule. It would destroy the right of villagers to manage their domestic affairs.

There are many court decisions affirming the right of a community to govern its political affairs. The Supreme

Court of Michigan adheres to a doctrine, which would, if sustained by the Federal Supreme Court, render void a statute giving outsiders a right to dictate the policy of a village board or a city excise board regardless of the will of the residents of such village or city. The Michigan Supreme Court in a notable case held in effect that back of the written State Constitution lies a general scheme of local self-government, which is presupposed by the Constitution, and can not be abrogated by the State Legislature. The court has "fully recognized that the Legislatures may grant, withhold, or take away the corporate powers of cities, but it can not take away from the people of any locality the fundamental right of managing their own affairs."

No doubt it is quite generally understood that State-wide prohibition is the sole object to be attained through the county option program. Many Nebraskans do not know the method employed in Alabama and Georgia by the county optionists. They first got the Legislature to enact a law permitting county elections to decide the question of issuing licenses for the whole area of the county. This done, they raised the issue in each county. In the two States named they then succeeded in getting a majority of the counties to adopt the dry policy, such counties embracing the districts of most of the members of the Legislature, and, of course, a majority of the whole State population. With these facts as a powerful lever the prohibitionists worked upon members of the Legislature, pointing out that more than half of the area of the State having adopted the dry policy by that token the Legislature must conclude that a majority of the people favored the policy of forcing the rest of the State to go dry.

A prohibition organ at Lincoln, mouthpiece of the county optionists, *The Nebraska Capitol,* in a recent issue, said:

"County option can go into action three months after the adjournment of the Legislature, and before a year is passed have eighty of the ninety counties dry. Then we will be ready for a vote on an amendment, with absolutely no doubt of victory."

Ths president of the Alabama W. C. T. U. said recently:

"Alabama will undoubtedly make a real test of prohibition such as we have not yet had. Some years ago it enacted a county option law, and after a large part of the territory of the State was cleared up the Legislature met in extraordinary session and decided that it was useless to go to further expense in holding county elections, and enacted a State-wide prohibitory law which went into effect the 1st of January, 1909."

This is also the scheme in Nebraska if the so-called county optionist wins.

Samuel Gompers on Prohibition

Samuel Gompers, president of the American Federation of Labor, declined a request of Arthur Burrage Farwell on the 7th inst., to address a prohibition meeting at the Lyric Theater. In a statement issued later, Mr. Gompers said:

"Experience has shown the folly of prohibition wherever it has been tried, and that saloons can be regulated by law.

"There is not a city in Maine where a stranger can not go and buy all the beer and whisky he wants. There is no attempt whatever to disguise the fact that these places are operating in violation of the law.

"As for the illicit traffic, I have seen drunken people in every city, but I have never seen drunks so drunkenly drunk as the drunks I saw in Maine.

"Organized labor has been and now is a greater factor for temperance throughout the United States than all the prohibition societies and temperance workers in the land ever have been."

Increase of the Opium Peril in Dry Territory

In *Putnam's Magazine* for December, 1909, there was published an article on "The American Opium Peril," by Hugh C. Weir, which presented material for reflection to advocates of prohibition.

The author, writing without prejudice and holding closely to the story of the drug which he discussed, furnished some strong evidence of the havoc which the seductive juice of the poppy is visiting upon mankind in prohibition or "dry" territory here in the United States.

He instances the State of Ohio, since some fifty-seven counties were voted dry, as a profitable field for the vendor of opium pellets.

What is true of Ohio is true of all other places where the supply of rational alcoholic stimulants is cut off from the people or radically interfered with.

There is nothing new in the situation to students of the liquor question. Whenever wine, beer or the stronger liquors are legally banished, it has long been known that opium, morphine and cocaine rapidly take their place. The significant feature in Mr. Weir's article is the figures he submits of the tremendous increase of drug using in the United States coincident with the voting "dry" of territory in so many States.

Mr. Weir presents his story of the insidious menace in a very entertaining and forceful way, and the anti-prohi-

bition lesson one may read in his article is perhaps the last thing he had in mind when he wrote it.

From a nation of moderate drinkers to a nation of immoderate opium, morphine and cocaine fiends, is a short step with our nervous and high-tensioned populace.

It has long been admitted that we as a people run to extremes in all things—in our work, in our pleasures and in our failings.

The following paragraphs from Mr. Weir's article are not pleasant reading to men who love their country and believe in its people:

"It was with a shock that the average American learned a few months ago that today there are one million two hundred thousand drug victims in this country, embracing one person in every sixty-five of our men, women and children. San Francisco has the blight of its underground Chinatown—and where there are coolies there is always opium—but New York also gives us some of the worst of our poppy dens. In Mott, Pell and Park Streets one can find them by the dozens—masked by a tawdry, ill-smelling Chinese laundry.

"On Second and Fourth Avenues also they abound, with the same flapping line of clothes facing the street and the stare of the uninitiated. I was told not a great while ago, that an American woman, assisted by her two daughters, is maintaining on West Twenty-third Street one of the most thoroughly equipped and widely patronized 'dens' in the city.

"There are forty institutions in this country advertising a cure for the drug habit, and all of them are largely patronized. One such institution at Atlanta, Ga., has the names of over one hundred thousand patients whom it has treated, and there are several others that can show fifty thousand. While it is true that many patients patronize two and three and even four of these dispensaries, and their names are

thus duplicated in a combined report from the institutions, these statistics furnish a startling revelation of the ravages of the drug evil.

"The number of drug consumers may be estimated from the quantity of opium received in this country in the course of a year. During 1908, 444,121 pounds of crude opium passed through the American customs office. It is estimated by officials of the national Government that from 50 to 75 per cent. of this quantity was used for improper purposes. Computing at two ounces, the quantity of morphine in each pound of opium, this gives some 445,000 to 665,000 ounces of the drug consumed to satisfy the cravings of its victims. I am told by the drug officials at Washington that one consumer will use on an average of from one to twelve ounces of morphine annually; and this amount occasionally has been consumed by a single user within one or two months. Of smoking opium, 151,916 pounds were received in the United States in 1908. While it is impossible to estimate with any accuracy the amount which one smoker will use in a stated period, those statistics bear out with startling force the cry that the drug peril has reached menacing proportions in this country.

"Because ninety per cent. of Ohio has lately voted 'dry,' the Buckeye State has become one of the centers where the opium vendors have been particularly active. The law has taken away the Ohio man's ability to satisfy his alcoholic thirst. Now the peddlers, who are selling opium pellets— it is alleged on the street corner—offer him a substitute more deadly than whisky. This is true elsewhere. In the prohibition State of Maine the consumption of opium has increased 150 per cent. in the past ten years.

"The situation is not a new one. We have confronted the same facts in our great prisons where a thousand convicts, barred from their accustomed stimulants by the walls of the penitentiary, have given all their hoardings for

smuggled opium pellets, slipped to their cells often by guards of the institution. Some one has said that two-thirds of our convicts are opium or morphine fiends, who have become so since their imprisonment. And the statement is probably true. Also, it shows why the drunkard in the prohibition territory springs at the bait of the traveling opium agent. His mental, moral and physical stamina have become so decayed that his horizon is bounded only by the cravings of his appetite. But this is not the worst. Like the smallpox victim he exposes the whole community to the plague."

Prohibition the Obstacle to Real Reform

BY THE REVEREND WILLIAM A. WASSON.

(From *Pearson's Magazine,* August, 1909.)

Mr. Wasson is a clergyman of the Episcopal Church. He thinks it a clergyman's duty to speak openly against any system which he believes to be a source of immorality and crime. Some folks say that it does not "look right" to be against prohibition. Mr. Wasson believes that no consideration of mere expediency should deter a clergyman from doing his duty. The object of a prohibitory liquor law is to lessen liquor drinking. Its effect seems just the opposite. Mr. Wasson has closely studied the matter for years and he explains here just wherein a prohibitory law fails in its object. He does not overlook the evils of the saloon. He submits a plan for the regulation of the liquor traffic which will make for temperance. This article will enable any man to decide whether or not a prohibitory liquor law will be for the good of his own neighborhood.—*Editor of Pearson's Magazine.*

During the decade immediately preceding the Civil War, a great "temperance wave" swept over the country. Within a period of five years, eight States, viz., the six New England States, Michigan and Nebraska, adopted prohibition. New York, Indiana and Wisconsin also enacted prohibitory laws, which, however, never went into effect, having been declared unconstitutional by the highest courts of those States.

Now, again, after a lapse of fifty years, the country is witnessing another "temperance wave," which has already risen higher than its predecessor. Nor is the end yet in

sight. While in some sections of the country the "wave" has spent its force and appears to be receding, in other sections it is increasing in volume and strength. There are, at present, eight States in which statutory prohibition obtains—four in the South, three in the West, and one in New England. Under the Local Option system, a number of other States are being prohibitionized on the installment plan. Not long ago it was estimated that saloons were being closed at the rate of thirty a day—nearly 11,000 a year.

The prohibition leaders boast that, while ten years ago there were only six million people living in "dry" territory, there are now thirty-eight million. If prohibition and temperance be the same thing, we are certainly making prodigious strides toward the millennium. But sober-minded people have no faith in the professions and promises of prohibitionists. Fifty years ago the leaders of the crusade thought they saw the dawn of the perfect day, when there would not be a dramshop nor a drunkard in all the land. They were confident that the problem of intemperance, which had perplexed and baffled mankind for thousands of years, was as good as solved. The great dragon was about to be slain and his dead carcass hurled into the bottomless pit. But it turned out to be all a dream. The dragon was not slain; he was not even seriously wounded. If he disappeared at all, it was only to betake himself to the cellar to await the passing of the storm. In the course of a few years, the "temperance wave" passed away, and the frenzy and hysteria that caused it, and was caused by it, died out.

The crusade not only did not solve the liquor problem, but it complicated the problem with new difficulties. The States that adopted the prohibitory system soon found themselves confronted with two evils instead of one, the old disease of intemperance and the new "remedy" of prohibition. And now, the successors of the men that ral-

lied round the standard of Neal Dow are making precisely the same promises and predictions that were made of old. They assure us that the present movement means business. They prophesy that this wave will not subside until it has swept over every foot of American soil and has done to the "rum" traffic what Jehovah did to the Egyptians in the Red Sea.

Prohibitionists have simplified the liquor problem at the expense of truth, reason, and common experience. Instead of suiting the remedy to the disease, they have tried to make the disease conform to their predetermined remedy.

The liquor problem is one of the most complex of all social problems. It does not stand out alone, simple, distinct and isolated, as prohibitionists would have us believe. It is at once a moral, an economic, a physiological, a psychological and, in its final analysis, a purely personal problem. It contains many elements and involves many perplexing difficulties. When we look below the surface, and study this problem in its deeper aspects, we find that its roots are inextricably intertwined with those of the other social problems. So that genuine and thorough temperance reform must be conducted along many different lines.

The liquor problem is not exclusively nor chiefly a legislative problem, and hence it can not be solved by legislation alone. The evil of intemperance is not caused, though it may be aggravated, by bad legislation, and it can not be removed, though it may be lessened, by good legislation. The main lines of temperance reform, the most potent agencies for the building up of moral character (and moral character is the basis of temperance in all things), lie wholly outside the scope of legislation. Legislation has, of course, its part to play—and a not unimportant part—in any comprehensive program of temperance reform; but when legislation encroaches on the domain of the church and the home, when it ventures to act as a substitute for

purely social and moral agencies, it not only fails to accomplish any good, but causes the greatest harm. Speaking generally, the work that legislation can do in the moral sphere is of a negative character—preventing and suppressing the evil—while work of a positive character must be done through other agencies. In undertaking temperance reform work along any line, we must learn to be patient, and to be modest in our expectations. We must bear in mind that temperance reform is very largely a matter of moral and social evolution.

Liquor legislation must necessarily follow one of two general policies. It may aim at the abolition of the liquor traffic, or at the regulation of the traffic. These two policies are extreme opposites at every point and in every feature. The object of one is to kill, that of the other is to cure. It is on this broad question of general policy that the people are divided to-day.

No legislative system has ever been more extensively or fairly tested than that of prohibition. During the last sixty years it has been tried on the State-wide scale in many different sections of the country and under the most diverse social and political conditions, the periods of trial ranging from three years in Nebraska to fifty-three years in Vermont. By its record, by what it has done and by what it has not done, prohibition must be judged. On every page of that record, from beginning to end, are written the words failure, folly, farce. Nowhere and at no time, in all its history, has prohibition accomplished a single one of its avowed objects. Nowhere has it abolished the liquor traffic; nowhere has it prevented the consumption of liquor nor lessened the evil of intemperance. Neither as a State-wide system nor under Local Option has prohibition ever made the slightest contribution toward the solution of the liquor problem. The one solitary service that it has rendered to society is that of furnishing a warning example

the supreme folly of attempting to legislate virtue into men's lives.

There could be no stronger evidence of the failure of prohibition than the fact that seven of the eight States that adopted the system fifty years ago, have since abandoned it and gone back to the policy of license and regulation. The people of these States adopted prohibition in good faith. They honestly and earnestly desired to wipe out intemperance. They realized that intemperance was directly or indirectly the cause of much crime, poverty and disease; that it was a financial burden on the State; and that it was a hindrance to material prosperity and to moral progress. They thought it was a better policy to abolish than to license and regulate a traffic that seemed to them to be the root and source of this evil. Now, to claim that prohibition was even measurably successful in these States, that it accomplished even a little good, is to insult the intelligence of the people of New England. No sensible person can believe that these seven States would have deliberately repudiated a system that they had adopted in high hopes and with high moral purpose, if they had found that that system was making for sobriety, prosperity, and good citizenship.

In view of the fact that it is always easier to secure the enactment than the repeal of laws of a reputed moral purpose, the repudiation of prohibition by these States is all the more significant. The only conclusion consistent with reason and common sense is that the people, after years of bitter experience, found that they had built on false hopes, and that conditions were not only no better but far worse under prohibition than they had been under the license system. It is also very significant that the States that were swept off their feet by the prohibition wave fifty years ago, are among those States that are being least affected by the present agitation. And even Maine, which

is the only one of these States that has retained prohibition all these years, is actually showing unmistakable signs of genuine repentance. It is conceded on all sides that a decisive verdict against prohibition would have been rendered at the last State election in Maine, when resubmission was a prominent issue, if it had not been for the fact that it was a presidential year. Prohibition is generally least popular where it is best known.

If prohibition really prohibited, the fact ought to be reflected in the figures of the United States Revenue Department. But, according to the Government reports, the use of alcoholic liquors actually increases with the spread of prohibition. In 1893, the year the Anti-Saloon League was organized, the per capita consumption of malt and spirituous liquors in the whole country was 16.6 and 1.46 gallons respectively. In 1899, when only six million people were living under prohibitory laws, the figures were 15.8 and 1.11. In 1907, when approximately thirty-five million people were living in "dry" territory, the figures had risen to the high-water mark, 22.0 and 1.58. The report of 1908 shows a decrease of about 10 per cent. in spirituous liquors as compared with 1907, while the consumption of malt liquors was about the same for both years. Thus we are confronted with the remarkable fact that, in 1908, when the prohibition wave had reached enormous proportions and was wiping out saloons at the rate of 11,000 a year, the American people consumed more liquor per capita than they did in any previous year since 1893, the year 1907 alone excepted.

Now let us turn for a moment to our old friend, the State of Maine. That prohibition has been a failure and a farce in that State is a matter of common knowledge. No one who is not a blind partisan will deny this. Four years ago, Governor Cobb, a sincere prohibitionist and an honest, outspoken man, declared, in his inaugural address,

that the State ought to be ashamed of itself to have a prohibitory law on its books and to make that law a laughing stock of the nation. And he insisted that, as a matter of common honesty, the law ought to be either enforced or repealed. Recorder Whelden, of Portland, recently made this statement: "There are at least four hundred men and women who are brought before this court time and again for intoxication." Think of it, four hundred habituals in a city from which the liquor traffic is supposed to have been banished sixty years ago! During four years, up to January 1, 1907, in Portland, liquors were seized on seventy-five streets and alleys and at 445 different places; and 832 different persons were brought into court for violation of the liquor law.

The Report of the Committee of Fifty, based on a most thorough and extensive investigation of conditions in Maine, tells the whole story of the miserable failure of prohibition throughout the whole State. Every one that has traveled through Maine knows that there is not a town in the State where even a stranger, if he take the trouble to make inquiry, can not get all the liquor he wishes, such as it is. And in many places the stranger is waited on by some considerate person who asks him whether he would not like "something." The statistics relating to arrests for drunkenness and deaths from alcoholism in Maine all tell the same tale. They spell the word failure.

In response to the loud clamorings of the Anti-Saloon League, the Legislature of Georgia enacted a prohibitory law a couple of years ago. The act went into effect January 1, 1908. For a short time, the new law seemed to have a good effect. Judging from surface indications, it looked as if prohibition might at last break its long record of failure and actually stop the sale of liquor. But, again, it was all a dream, and a very short dream, too. The

drinkers adjusted themselves to the "dry" system, and were soon hobnobbing as openly and boldly as ever with the old Demon. Conditions kept going from bad to worse, and before the law had been on the statute books a year, it was clearly evident to everybody that had even half an eye that prohibition in Georgia had broken down.

Here is the testimony of two of the prohibition leaders themselves. Rev. Dr. Holderby, of Atlanta, an ardent prohibitionist, said last winter: "The Legislature is afraid to stand by the very law which it enacted twelve months ago. Atlanta has become a laughing stock and a stench in the nostrils of the Almighty." This confession must have been very humiliating to the good parson, as he had been telling his people right along that he knew it to be a fact that the Almighty was on the side of prohibition. Assistant Superintendent Richards, of the Anti-Saloon League, utters this wail: "Beer is sold here right and left, and I know it. You can get whisky, too; for what does it mean when twenty-seven carloads of beer and whisky are shipped here?" Well, Brother Richards, it means, in the first place, that there are a good many thirsty people in Atlanta, and, in the second place, that your prohibitory law is a humbug. Other leading prohibitionists speak in the same strain as the two just quoted. Conditions in Atlanta are a sample of those that obtain all over the State.

Just a word about prohibition under the Local Option system. The writer is very familiar with the working of prohibition in a number of the towns on east end of Long Island, and from his own observation during the last seven years he can testify to the fact that in every one of these "dry" towns, prohibition has been a disgusting farce every time it has been tried. In the writer's own town the record of prohibition may be summed up in the admission of the local Anti-Saloon leader, that "anybody can get all the liquor he wants in this town under either license or no-

license." That no-license has failed to accomplish any good on Long Island, may be inferred from the fact that at the elections last spring every town on the island was carried for license by a decisive majority. The Anti-Saloon League made the fight of its life, but it was of no use. The people knew all about the "blessings" of prohibition, and they concluded that they had had enough. The prohibitionists lost every town they then held, including conservative old East Hampton, which gave a majority for license for the first time in fifty years.

Many and various are the reasons why prohibition in this country has proved a failure. The following considerations will reveal a few of the more general reasons.

Prohibition is an attempt to deprive men of what they believe to be an inherent right. The question of individual right is the underlying issue in this whole controversy. Majority rule is, of course, a sound political principle, but it is obvious that the application of this principle must be confined within reasonable limits. If a majority has a right to say to a minority: "You shall not drink beer," another majority has the right to say to another minority: "You shall not drink tea." Now, if the people in any State or town should take it into their heads to enact a law prohibiting the use of tea, what a fearful howl would go up from the camp of the W. C. T. U., and what an unenviable job the officers would have in attempting to enforce such a law! "What, deprive us of our right to serve tea at our mothers' meetings and parlor sociables! Why, it's an outrage!" "Oh, but, good ladies, we, the majority, made up as you know of the better element, have thoroughly investigated this matter, and we have found that tea is very injurious. In fact it's a poison. Look at the thousands of women that have gone down to tea-topers' graves! Look at the army of innocent little children that have been left motherless," etc., etc. As a matter of fact, many experienced

physicians believe that tea and coffee cause quite as much trouble in the world as alcohol. The "temperance" people will retort: "Yes; but there is a wide difference between beer and tea." Of course there is, and that is just why so many people prefer the beer. But there is no difference between the right to drink the one and the right to drink the other. Everywhere and always, outside of Islam, while drunkenness has been condemned, the moderate use of alcoholic beverages has been a common custom and has been regarded as the inherent right of the individual.

The use of alcoholic liquors is and has always been considered not only legitimate as a beverage, but it is consecrated and hallowed in the most solemn and weighty rite of the Christian Church. Now you cannot, by a mere law, eradicate a sentiment and destroy an institution that has stood for ages, and that is so deeply rooted in our whole social life. Prohibition condemns the conscience, the judgment and the social habits of countless generations of the most highly civilized, progressive and moral peoples. Moreover, prohibition passes condemnation on a great branch of industry that has been recognized throughout all ages as legitimate, an industry in which some of the most venerable and honored religious orders of the Christian Church have been and are to-day engaged. Prohibition necessarily fails because it makes no discrimination between use and abuse. It arbitrarily makes a legal crime of an act which is neither wrong in itself nor contrary to the rights and interests of society. Because two or three men use liquors to excess, prohibition would compel a hundred temperate men to follow the rule of total abstinence. One man is lame, and therefore all his neighbors must use crutches.

Again, prohibition has failed because it is wholly negative and destructive. You cannot remove an effect until you remove the cause. You cannot abolish the li-

quor traffic until you abolish the source of the traffic. It is not the liquor traffic that creates the demand for liquor; it is the demand for liquor that creates the traffic. And just so long as the demand continues, just so long will the supply of liquor be forthcoming in one way or another. The attempt to abolish the liquor traffic by a prohibitory law is as futile as would be the attempt to dry up a river by building a dam. Prohibitionists seem to imagine that they are dealing only with the comparatively few liquor dealers; whereas they are dealing with the vast multitude of men that are determined to use liquor. They tell us that the saloon is a curse. Well, be that as it may, the practical question is, what blessing does prohibition furnish as a substitute? Absolutely none, unless it be the W. C. T. U. mothers' meeting and the weekly prayer meeting. These institutions, excellent as they are in their place, are hardly adapted to satisfy the social needs of the masses. Students of social science, men who have spent years in observing and studying the saloon and the saloon constituency, whatever views they may hold as to the character of this institution as it now exists, agree unanimously on the following three propositions:

1. That the saloon fills a legitimate social need.

2. That it is practically the only institution that does fill this need.

3. That it is worse than useless to attempt to abolish the saloon until some suitable institution be established as a substitute.

The lives of the great majority are dull and monotonous. The proportion of pleasure and leisure is meager and insufficient. This is as true of rural as of urban life, but it is too largely true of the masses everywhere. And whatever will lighten and brighten and cheer their lives without too great a sacrifice will not be readily surrendered in the interest of a questionable moral reform. If men

can not get this pleasure openly, they will get it surreptitiously, and even if it could be taken from them by force, they would resort to substitutes which, in all likelihood, would be far more injurious. The saloon exists because there is a demand for it. A prohibitory law certainly does not remove this demand. It does not eradicate the social instinct and the desire to drink that lie back of the demand. In short, it does not destroy a single one of the elements that constitute the life and power of the saloon. It does not introduce into the community a single element that acts as an antidote for the saloon. The whole root of this institution remains in the community intact, undisturbed and vigorous. Under these circumstances it is inevitable that the saloon, in one form or another, will continue to serve its customers.

Law enforcement is, in the long run, dependent on public sentiment. Moreover, public sentiment, in order to make itself felt, must be active, alert and persistent. A mere vague wish that the law be enforced is not enough. The wish must be followed up by well-organized effort. When you find a community in which the government is ring-ridden and corrupt, it does not mean that the public sentiment is in favor of such conditions. It means that public sentiment is impotent because it is either inactive or unorganized. Thus it occurs that small minorities can defy, and are to-day defying, the will of large majorities.

Just how much of this active and determined public sentiment is required to insure strict law enforcement, depends largely on the character of the law. A stringent, harsh sumptuary law, like prohibition, could not be enforced unless it had on its side an almost unanimous public sentiment, vigilant and well-organized. Such a law has all the odds against it. It has an uphill job from the outset. Public officials are, as a rule, far more inclined to heed and yield to the voice of protest against the enforcement

of a law of this kind than they are to make an extraordinary effort to enforce the law in obedience to the demand of the other side. Under State-wide prohibition, there are many communities where the majority sentiment is strongly opposed to enforcement, and even prohibitionists admit that, in such communities, the law becomes a mere farce.

But even under the Local Option system, which is supposed to insure local majority rule, prohibition, in a great many instances, does not actully represent a majority of the electorate. And the reason is that at a local option election, a considerable proportion of the voters do not mark the excise ballot at all. In the writer's own town, the vote on the license question, during the last fifteen years, has always fallen from 12 to 20 per cent. short of the total vote cast on other questions and for candidates for offices. During the period in question the town has been carried for no-license a number of times, and in every instance by a minority of the total vote polled. Moreover, the public sentiment in favor of prohibition is not only not strong enough in quantity to enforce the law, but even what there is of it is not of the right quality.

The great majority of those that vote for prohibition are full of zeal and enthusiasm up to the time of the election; but after election their enthusiasm dies out, and they leave it to others to attend to the matter of law enforcement. They think that in merely casting their ballots for prohibition they have done their full duty and saved the country. The writer has watched the prohibitionists in his town for seven years, and he can testify that not two per cent. of the men that vote for no-license ever lift a finger or contribute one cent to have the law enforced under either system.

The prohibition public sentiment is of that cheap, shallow, emotional variety that exhausts itself in all manner of hysterical performances during the campaign. Over

against the inherent weakness of this prohibition sentiment is the public sentiment opposed to the enactment and to the enforcement of the prohibitory law. This sentiment is of a very different kind from the other. There is nothing frenzied nor hysterical about it. But it is determined, active and persistent. It knows what it wishes and, what is more to the point, it knows how to get what it wishes. It doesn't exhaust itself before election nor grow indifferent after election. Indeed, as soon as the town goes "dry," this anti-prohibition sentiment begins to arouse itself and warm up.

A man in a "dry" town wishes a drink, and he knows where he can get it. That man is far more interested in getting his drink than his prohibition neighbor is in preventing him from getting it. And when you multiply this one drinker by a number representing half or more of the male inhabitants of the community, you have an idea of the relative strength of the two kinds of public sentiment, and, if you have any power of imagination, you know why prohibition does not prohibit. There is said to be a good deal of the mule about human nature, and a prohibitory law is beautifully adapted to bring out the mule quality. People resent the idea of being held up by a lot of hysterical women and meddlesome men who conceive it to be their right and duty to regulate the personal habits of their neighbors.

Prohibition has not only failed to accomplish its avowed object, but it has been the greatest obstacle to true temperance reform in this country during the last fifty years. Other nations are far ahead of us in the way in which they handle the drink question, and one reason is that they have not been so much disturbed by "temperance waves." Prohibition attempts to do that which is impossible and prevents the doing of that which is possible. If the liquor problem, in its legislative aspects, is ever going to be solved, the solution must be found along the line

of regulation, and the sooner we set our feet on the right path the sooner we shall reach the desired end.

Nothing is more certain than that every State and local community in which prohibition now obtains will ultimately have to return to the policy of regulation, and just so long as the prohibitory law remains on the statute books, just so long will the day of reformation be deferred. Prohibition is like the quack doctor who cannot cure the patient himself and will not allow anybody else to take the case. The present hysterical crusade is itself an obstacle to reform even in places where the license law obtains. It is a drain on the moral energy of the community. It creates contention, confusion and bitter strife. It attracts and leads astray many well-intentioned but unthinking people, whose interest in moral reform and whose zeal and enthusiasm would, if wisely directed, be of great value to the community. These people become infatuated with a blind faith in the power of prohibition to regenerate society, and they will listen to nothing else. If you suggest to them some proposition of reasonable reform, they fly off into a rage and denounce you as a traitor to the country and an enemy of religion.

Prohibitionists not only refuse to support, but actively and bitterly fight against, every plan of excise reform that does not go to their extreme. It must be abolition or nothing; their motto is rule or ruin. In their blind zeal they actually rejoice in iniquity. The disreputable saloon is far more to their liking than the decent saloon, for the more disreputable the saloon the more ammunition for the campaign. If all saloons were made decent and orderly, the bottom would soon drop out of the prohibition movement. Tell a prohibitionist that such and such a saloon is certainly a respectable place, and you arouse his fiercest anger. He would rather hear that a murder had been committed in one of the "hell holes." In his esti-

mation the respectable saloon is the very worst kind, as it deceives and beguiles the unwary youth to his destruction.

The real character of the prohibition movement is thus seen in the way it reacts on the prohibitionists themselves. They throw truth and reason and experience to the winds, and often resort to the most contemptible and disgusting methods to gain their end. Some time ago, a traveling salesman who lives in a town in the Middle West, was returning home from a trip. On arriving at his station, he noticed that the streets were filled with people. Making his way through the crowd, he discovered that a no-license parade was in progress. It was a long procession, made up of women and children. They carried banners and flags, and sang "temperance" songs. Every child wore a badge on which were the words, "Vote for us; we cannot." At the end of the procession were several files of children dressed in rags and tatters. One of these, a boy, carried a huge banner. Printed on the banner, in large letters, were these words: "My father is a drunkard." Our friend the salesman looked at the banner and then happened to glance at the boy. Suddenly an expression of amazement came over his face, and, breaking through the crowd, he ran up to the ragged banner bearer, and grasping him by the arm, exclaimed: "My God, what are you doing here, my boy?" It was this gentleman's own son that had been dressed up in these rags by the good "temperance" women and sent out to carry this banner of shame and humiliation through the streets. This exhibition is a sample of the methods employed by prohibitionists to gain converts to their cause.

If these children really had drunken fathers, it was unspeakably brutal and cruel to make such a spectacle of them before the public. If their fathers were not drunkards, the whole thing was a cheap, theatrical performance deliberately intended to create a false impression on the

public mind. And all this fraud and vulgarity in the name of temperance and religion!

Here is another example of the intemperate "temperance" of prohibitionists: A professor in one of our universities accepted an invitation to speak at a "temperance" rally in a church. In the course of his remark he referred to the miracle at Cana, and expressed himself thus: "I have given this matter profound thought, and I wish to say to you that I have reached the conclusion that when Christ turned that water into wine, he did what was wrong." Blind passion, wild fanaticism and bitter intolerance are the chief characteristics of the whole prohibition movement. It must be apparent to every sane and reasonable mind that the sooner this miscalled "temperance" crusade is buried out of sight and forgotten, the sooner the way will be cleared for genuine temperance reform.

Finally, prohibition must be condemned, not only because it has failed to accomplish any good, not only because it blocks the way to real reform, but because it is itself the source of many social and political evils. These evils are briefly summarized as follows:

1. Prohibitory legislation has never succeeded in abolishing the liquor traffic, but it has succeeded in degrading and demoralizing the traffic by driving it into secret places. The liquor laws in most of the States prohibit the use of shades in saloon windows and screens in front of the bar. This wise provision is based on the common experience that the liquor business is of such a nature that it is far more likely to do harm when it is carried on under cover than when it is open and aboveboard. Now prohibition forces the liquor traffic to secrete itself, not merely behind a screen, but behind a barricaded door. The door is quickly opened for those that know the password, but shut against the officers of the law. The only practical question that confronts us is whether we shall

permit the liquor traffic to be carried on openly under the supervision and control of the law, or whether we shall drive it into places where the arm of the law cannot reach it. License means the open barroom, prohibition means the "speak easy." Which of the two kinds is the more likely to harbor evils and encourage intemperance.

2. If there is any one business more than another that, in the interest of the public, ought to be in the hands of men with conscience and moral principle, it is the liquor business. A proper kind of license law can do considerable toward improving the personnel of the trade. Prohibition, on the other hand, discourages decent, honorable men from engaging in the business, and thus throws it into the hands of the most unscrupulous and irresponsible men in the community. The only qualification required to do business under prohibition is the ability to beat the law without getting caught. A couple of years ago, in a certain town on Long Island, one of the best hotels had to close its doors shortly after the "dry" law went into effect. The proprietor of this hotel was one of the most honored men in the community. Prohibition did succeed in closing this man's bar and driving him out of the hotel business as well, and it closed other decent places. But what was the result? Why, within two years between fifty and sixty "kitchen saloons" were established in this same town. It is a well-known fact that most of the men that run these "speak easies" in a "dry" town are thoroughly satisfied with prohibition. A license law would put them out of business. Again, the only question is: shall we encourage and protect the decent liquor dealer, or shall we encourage the other kind? One kind or the other we are absolutely sure to have.

3. Prohibition has a bad effect also on the drinker. It tends to discourage the use of the lighter alcoholic beverages and to encourage the excessive use of the stronger

liquors. This tendency is especially pronounced wherever the attempt is made to enforce the law rigorously. Deterioration in the quality of liquor is another one of the "blessings" introduced by prohibition. The men who run the "speak easies" often make their own "whisky," and you can imagine the nature of the "blend." A few years ago, when the town in which the writer lives was "dry," a confirmed inebriate who lived in adjoining "wet" town got in the habit of visiting this "dry" town about once a fortnight. He was always sober when he arrived and drunk when he left. He was once asked why he came from a "wet" town to a "dry" town to get liquor, and his answer was: "Because I can get a quicker and cheaper jag on in Riverhead than I can in——." This is the way prohibition reforms the drunkard! It is often claimed that while prohibition does not altogether prohibit, it does succeed in reducing the consumption of liquor. This claim is not based on fact. But even if it be true that less liquor is drunk in a given community under prohibition than under the license system, the all-important question, from the point of view of temperance reform is, what class of people are thus affected. Who are the men that either cannot get anything to drink or cannot get as much as they would under license? Now, everybody who is not living in a land of dreams, knows perfectly well that the very men in every community who most need reforming are the ones that are least inconvenienced by the prohibitory law. They are the first ones to learn the location of every "speak easy" in the place. But, if prohibition cannot reform this class, may it not at least keep temptation out of the way of the young? Now, the truth is that all this talk about "protecting our boys" is sheer twaddle. The protection is a myth. Prohibition really creates the most dangerous kind of temptation—that which is hidden, but known. Every young man that is at all liable to be led

astray under the license system, is far more liable to go astray under a system that encourages secret drinking. Who wouldn't rather have his son go into an open saloon and get a glass of beer than to have him join his companions in some back-room resort? If there is any class of young men in the community that need the protection of the law, they are certainly not the ones that frequent the W. C. T. U. prayer meeting when the town is "dry." While the good women are praying and thanking the Lord for the great blessing of prohibition, these young fellows are probably "protecting" themselves in the "club" room at the far end of some alley.

4. Prohibition creates widespread and habitual law-breaking. Consider the number of crimes that are committed every hour of the day in a "dry" State. And consider the bad moral effect of this habit of law-breaking on the civic life. It creates the spirit of lawlessness. It tends to weaken and break down that respect for the principle of law and order which is so essential to good citizenship. The following story shows how even good men are unconsciously affected by this baneful influence: Some years ago a clergyman went to a certain summer resort in New Hampshire to spend his vacation. On arriving in the town, he went to the leading hotel. While waiting in the office for the supper bell, he happened to open a door, and found, in the next room, a well-appointed bar. The proprietor was in this room, and the clergyman, pointing to the bar, said: "Why, Mr. ——, how is this?" "How's what?" answered the proprietor. "Why, you have a bar here, and you are evidently open for business." The hotel man looked puzzled and said: "Of course I have a bar. Couldn't you get what you wanted?" "Oh, I didn't wish anything," answered the minister, "but I wondered how you could run an open bar in a prohibition town." The genial host felt relieved when he found that

his guest was not complaining about the service. "Well, well," he said, "I didn't understand what you meant. Why, that's easy. I'll tell you how we work it up here. You see, I was high sheriff of this county last term, and, while I dislike to blow my own horn, I want to tell you that I did what very few men in this county would have done. Every three months I raided my own bar and had myself fined." As he finished this sentence, there was a look of genuine pride in the ex-sheriff's face. He seemed to be blissfully unconscious that there was anything wrong about violating the law. This story was told to the writer by the Rev. Dr. E. A. Wasson, of Newark, N. J., who was himself the clergyman that had this conversation with the hotel man.

Here is another story which shows the effect of prohibition as a breeder of rank hypocrisy. About four years ago, shortly after a certain town on Long Island went "dry," a hotel keeper in this town received a letter from a wholesale whisky concern in Kentucky, reading something like this: "Will you kindly send us the names of any persons in your town who, you think, might be likely to purchase wet goods. We have a very fine brand of whisky (naming the brand) that we should like to introduce in your town. We shall be glad to extend to you the usual courtesy of ten per cent. commission on all sales that we may make through the list you send us." Well, the hotel man thought he would have a little fun, and so he made a list of about thirty-five of the most rabid prohibitionists in the place, and sent the list to the whisky firm. He thought it would be a fine joke on the prohibitionists to have them deluged with whisky circulars. And it turned out to be a better joke than he thought. For, at the end of three months, he received a letter from the whisky people thanking him for what he had done, and inclosing a check for twenty-

seven dollars commission. This story throws light on the curious circumstance already referred to, that, as the prohibition movement spreads, the consumption of liquor increases.

Ex-President Eliot, of Harvard, sums up the whole case against prohibition in its effects on the social and political life. He says: "The efforts to enforce it (prohibition) during forty years past have had some unlooked-for effects on public respect for courts, judicial procedure, oaths and law, legislature and public servants. The public have seen law defied, a whole generation of habitual law-breakers, schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligences and other miscarriages of justice, officers of the law double-faced and mercenary, legislators timid and insincere." Such is the character and the record of prohibition.

The writer of the present article does not wish to minimize the evils and abuses that have been allowed to grow up and intrench themselves in the liquor traffic. There is no doubt that some liquor dealers have condoned and encouraged conditions repugnant to moral sense and destructive of decency and good order. They have encouraged other vices, such as gambling and the social evil. They have catered and pandered to the worst passions and impulses in human nature. And they have done all this in a cold-blooded desire to increase the volume of their business. But the number of such dealers is comparatively small. At the same time, one such man in the business is one too many. Liquor laws should be so framed, that it would be extremely difficult, if not impossible, for men of this stamp to get into the liquor business, and the law should also provide a simple and easy way to drive out those that have gotten in.

The limits of this article preclude a lengthy discussion

of the question of a legislative remedy for the evils connected wtih the liquor traffic. But it will not be amiss to suggest a plan of regulation which, in the judgment of the writer, would be a step in the right direction.

In formulating liquor legislation, we should be guided by two fundamental principles. The first is practicability. The question to be determined at the outset is, what kind of excise law, under given conditions, with men as they are in their individual and social life, and with political standards as they are, will effect the best results. The trouble with much of our legislation is that it has ignored limitations imposed by actual conditions. Legislation is not the expression of ideals nor of moral yearnings. The law should represent the nearest approach to the ideal that present conditions will admit of. Another equally important consideration, following on this is that the same legislation is not adapted for all communities. Hence, liquor legislation should provide for a very large measure of home rule. But there is a right and wrong kind of home rule. The so-called local option system that now obtains in many of the States, is the wrong kind. It is unsound in principle and demoralizing in its effects. It is at variance with the general policy of regulation. It is part of the policy and program of prohibition. It is an instrument placed in the hands of prohibitionists to enable them to gain their end little by little. Now, all the features and provisions of a State liquor law should be mutually consistent and harmonious. All parts of the law should have the same general intent and conform with the same general policy. But, under the present local option system, the State is following two opposite policies at the same time. This kind of local option gives the local community too much power and too little power, The people have no power to say who shall receive licenses and what moral and other qualifications shall be required.

They have no power to determine the question of prohibited days and hours; no power to determine the amount of the license fee, nor to set a limit on the number of licenses to be issued. There is no option on any of these matters of practical administration that properly come within the scope of local self-government. The community has option on only one question—whether the liquor traffic shall be legalized or prohibited. This local option scheme reverses the true order of political administration. It withholds from the local community those minor but important powers that the people in the local community are in the best position to exercise wisely, while it confers upon the local community that supreme power of life or death over the liquor traffic which ought to be reserved in the hands of the State. Under this system the liquor dealers and the public are in a constant state of uncertainty as to the fundamental rights of property and of personal liberty, local option election, there is the possibility of a complete revolution of policy. To-day the liquor business is just as legitimate as any other business; to-morrow, it may be under the ban of the law. The question is never settled. Neither side ever wins a permanent victory. The State alone should settle this all-important question of the legality of the liquor traffic A question like this, involving the fundamental question of regulation or abolition. At every should not be left to the decision of a majority vote at a local election. On the other hand, the State, after establishing the legality of the liquor business everywhere within its borders, should grant to the local community the fullest freedom and power in the matter of regulation.

Starting with this general principle of State rule in matters of general policy and home rule in matters of local administration, the following is a rough outline of the plan of regulation that the writer has in mind as a substitute for the present local option system.

That the people in each local community (the township is probably the best unit) be empowered to elect their own Board of Excise Commissioners, twelve in number, to serve for a term of say two years. This Board should have power to determine the amount of the license fee (within maximum and minimum limits fixed by the State); to determine how many licenses should be issued (within maximum and minimum limits fixed by the State); to determine the question of prohibited days and hours, and all other questions of a purely local nature. The Board should have sole power to grant and revoke licenses, subject to certain rules of procedure. The applicant should be required to present to the Board a certificate of good moral character, signed by twelve reputable persons, who should be property owners and resident of the community. The Board should be required to hold a public hearing on all applications for license, and an opportunity be given to remonstrants, should there be any, to present their objections. After this hearing, the Board should have full discretionary power by a majority vote to grant or refuse any application. And there should be no appeal from their decision. This power to grant licenses is the most important of all. It is the key to the whole situation. And this key should be placed in the hands of the people most nearly affected. If we can prevent unfit persons from getting into the liquor business, we have, at the very outset, solved nine-tenths of the problem of regulation. The trouble now is that almost anybody that has the price, whether he is morally fit or not, can get a license and start up a saloon. The law may require that the licensee be a person of good moral character, but that requirement amounts to simply nothing at all unless some person or persons be empowered to determine in each case the question of moral fitness. And who is better qualified to exercise this power than twelve men elected by and responsible

to the people of the community? The Board should also possess the sole power to revoke licenses. On the complaint of any citizen that a certain liquor dealer was violating the law or that he was maintaining a nuisance of any kind, it would be the duty of the Board to hold a public trial of the matter, summon and swear witnesses, and give the accused person an opportunity to defend himself. After hearing all the evidence, the Board should have power by a two-thirds vote to dismiss the case or suspend or revoke the license. And there should be no appeal from their decision.

Of course it will be objected that this plan places too much power in the hands of the Excise Board. Well, if you give men in this position so little power that they could not possibly do any harm, you make it impossible for them to do any good. There is not the remoted likelihood that such a Board, elected by the people, could be unduly influenced to grant a license to a man of known unfitness or to drive a decent, law-abiding liquor dealer out of business. There would certainly be far less likelihood of abuse of power under such a system than there is now under the local option system. For, under the latter system, a bare majority of the voters can, at one stroke, revoke every license in the town without trial or hearing or reason. The most reputable liquor dealer is no safer than the dive keeper. The proposed plan is home rule of the right kind. It gives the people all the power they need to regulate, but no power to destroy and confiscate. Under this system, the liquor business would be placed on a permanent footing. Every dealer would be absolutely sure that his license was secure as long as he obeyed the law and conducted his business decently. The only persons that would be put out of business would be the disreputable liquor dealer and the prohibition agitator.

Liquor Not a Provoker of Divorce

"The Cause of Unhappiness in American Homes," by Allan L. Benson, published in *Pearson's Magazine,* December, 1909, is an entertaining and exhaustive view of conditions which lead to domestic unhappiness and divorce in this country. Mr. Benson tells us that in ten years 945,625 divorces were granted in the United States.

After commenting upon poverty as a divorce producer, he gives some entertaining facts and figures on the subject of liquor as a cause of divorce. We print this portion of his remarks:

"Facts even more surprising—and, also somewhat amusing—confront the contention of our prohibitionist friends. In the first place, strong drink does not seem to be particularly effective as a divorce-provoker. Of the 945,625 divorces that were granted in the United States during the ten years that ended with 1906, drink was directly charged with only 3.9 per cent. Even when all the cases were considered in which drink might have been an indirect cause, the total arose only to 19.5 per cent. Cruelty on the part of sober husbands caused 32.4 per cent. of the divorces that were granted to women, and the failure of non-alcoholic husbands to provide the necessities of life also outranked the combined direct and indirect responsibility of alcohol.

"And, here is where the laugh is on the prohibitionists: Of the fifty States and Territories, Maine ranks fourth in

the percentage of divorces granted to women because of the drunkenness of their husbands, and sixteenth in the percentage of divorces granted to men by reason of the drunkenness—of their wives. And this is the same Maine in which there has been prohibition for twenty-five years. Maine far outclasses Kentucky with regard both to men and women drunkards who get into divorce courts. Kentucky is not mentioned in a disparaging way. It is simply referred to for purposes of comparison, because the nature of some of its industries connects it rather prominently with the whisky business.

"All of which would seem to lead to the conclusion that while drink is sometimes bad for the home, prohibition is not always bad for drink. Maybe the facts are otherwise. If so, the Maine prohibitionists will doubtless be given close attention while they explain.

Temperance Versus Prohibition

BY PERCY ANDREAE.

Somewhere in the Bible it is said: "If thy right hand offend thee, cut it off." I used to think the remedy somewhat radical. But to-day, being imbued with the wisdom of the prohibitionist, I have to acknowledge that if the Bible in general, and that passage in it in particular, has a fault, it lies in its ultra-conservativeness. What? Merely cut off my own right hand if it offend me? What business have my neighbors to keep their right hands if I am not able to make mine behave itself? Off with the lot of them! Let there be no right hands; then I am certain that mine won't land me in trouble.

I have met many active prohibitionists, both in this and in other countries, all of them thoroughly in earnest. In some instances I have found that their allegiance to the cause of prohibition took its origin in the fact that some near relative or friend had succumbed to overindulgence in liquor. In one or two cases the man himself had been a victim of this weakness, and had come to the conclusion, firstly, that every one else was constituted as he was, and, therefore, liable to the same danger; and, secondly, that unless every one were prevented from drinking, he would not be secure from the temptation to do so himself.

This is one class of prohibitionists. The other, and by far the larger class, is made up of religious zealots, to

whom prohibition is a word having at bottom a far wider application than that which is generally attributed to it. The liquor question, if there really is such a question *per se,* is merely put forth by them as a means to an end, an incidental factor in a fight which has for its object the supremacy of a certain form of religious faith. The belief of many of these people is, that the Creator frowns upon enjoyment of any and every kind, and that he has merely endowed us with certain desires and capacities for pleasure in order to give us an opportunity to please Him by resisting them. They are, of course, perfectly entitled to this belief, though some of us may consider it eccentric and somewhat in the nature of a libel on the Almighty. But are they privileged to force that belief on all their fellow-beings? That, in substance, is the question that is involved in the present-day prohibition movement.

For it is all nonsense to suppose that because, perhaps, one in a hundred or so of human beings is too weak to resist the temptation of overindulging in drink—or of overindulging in anything else, for the matter of that—therefore all mankind is going to forego the right to indulge in that enjoyment in moderation. The leaders of the so-called prohibition movement know as well as you and I do that you can no more prevent an individual from taking a drink if he be so inclined than you can prevent him from scratching himself if he itches. They object to the existence of the saloon, not, bear in mind, to that of the badly-conducted saloon, but to that of the well-regulated, decent saloon, and wherever they succeed in destroying the latter, their object, which is the manifestation of their political power, is attained. That for every decent, well-ordered saloon they destroy there springs up a dive, or speak-easy, or blind tiger, or whatever other name it may be known by, and the dispensing of drink continues as merrily as before, doesn't disturb them at all. They make the sale of

liquor a crime, but steadily refuse to make its purchase and consumption an offense. Time and again the industries affected by this apparently senseless crusade have endeavored to have laws passed making dry territories really dry by providing for the punishment of the man who buys drink as well as the man who sells it. But every such attempt has been fiercely opposed by the prohibition leaders. And why? Because they know only too well that the first attempt to really prohibit drinking would put an end to their power forever. They know that 80 per cent. of those who, partly by coercion, partly from sentiment, vote dry are perfectly willing to restrict the right of the remaining 20 per cent. to obtain drink, but that they are not willing to sacrifice that right for themselves.

And so the farce called prohibition goes on, and will continue to go on as long as it brings grist to the mill of the managers who are producing it. But the farce conceals something far more serious than that which is apparent to the public on the face of it. Prohibition is merely the title of the movement. Its real purpose is of a religious, sectarian character, and this applies not only to the movement in America but to the same movement in England, a fact which, strangely enough, has rarely, if at all, been recognized by those who have dealt with the question in the public press.

If there is any one who doubts the truth of this statement, let me put this to him: How many Roman Catholics are prohibitionists. How many Jews, the most temperate race on earth, are to be found in the ranks of prohibition? Or Lutherans? Or German Protestants generally? What is the proportion of Episcopalians to that of Methodists, Baptists and Presbyterians, and the like, in the active prohibition army? The answer to these questions will, I venture to say, prove conclusively the assertion that the fight for prohibition is synonymous with the fight of a certain

religious sect, or group of religious sects, for the supremacy of its ideas. In England it is the Non-conformists, which is in that country the generic name for the same sects, who are fighting the fight, and the suppression of liquor is there no more the ultimate end they have in view than it is here in America. It is the fads and restrictions that are part and parcel of their lugubrious notion of God-worship which they eventually hope to impose upon the rest of humanity: a Sunday without a smile, no games, no recreation, no pleasures, no music, card-playing tabooed, dancing anathematized, the beauties of art decried as impure—in short, this world reduced to a barren, forbidding wilderness in which we, its inhabitants, are to pass our time contemplating the joys of the next. Rather problematical joys, by the way, if we are to suppose that we shall worship God in the next world in the same somber way as we are called upon by these worthies to do in this.

To my mind, and that of many others, the hearty, happy laugh of a human being on a sunny Sunday is music sweeter to the ears of that being's Creator than all the groanings, and meanings, and *miscricordias* that rise to heaven from the lips of those who would deprive us altogether of the faculty and the privilege of mirth. That some overdo hilarity and become coarse and offensive goes without saying. There are people without the sense of proportion or propriety in all matters. Yet none of us think of abolishing pleasures because a few do not know how to enjoy them in moderation and with decency, and become an offense to their neighbors.

The drink evil has existed from time immemorial, just as sexual excess has, and all other vices to which mankind is and always will be more or less prone, though less in proportion as education progresses and the benefits of civilization increase. Sexual excess, curiously enough, has never interested our hyper-religious friends, the prohibi-

tionists, in anything like the degree that the vice of excessive drinking does. Perhaps this is because the best of us have our pet aversions and our pet weaknesses. Yet this particular vice has produced more evil results to the human race than all other vices combined, and in spite of it, mankind—thanks not to prohibitive laws and restrictive legislation, but to the forward strides of knowledge and to patient and intelligent education—is to-day ten times sounder in body and healthier in mind than it ever was in the world's history.

Now, if the habit of drinking to excess were a growing one, as our prohibitionist friends claim that it is, we should to-day, instead of discussing this question with more or less intelligence, not be here at all to argue it; for the evil, such as it is, has existed for so many ages that, if it were as general and as contagious as is claimed, and its results as far-reaching as they are painted, the human race would have been destroyed by it long ago. Of course, the contrary is the case. The world has progressed in this as in all other respects. Compare, for instance, the drinking to-day with the drinking of a thousand years ago, nay, of only a hundred odd years ago, when a man, if he wanted to ape his so-called betters, did so by contriving to be carried to bed every night "drunk as a lord." Has that condition of affairs been altered by legislative measures restricting the right of the individual to control himself? No. It has been altered by that far greater power, the moral force of education and the good example which teaches mankind the very thing that prohibition would take from it: the virtue of self-control and moderation in all things.

And here we come to the vital distinction between the advocacy of temperance and the advocacy of prohibition. Temperance and self-control are convertible terms. Prohibition, or that which it implies, is the direct negation of

the term of self-control. In order to save the small percentage of men who are too weak to resist their animal desires, it aims to put chains on every man, the weak and the strong alike. And if this is proper in one respect, why not in all respects? Yet, what would one think of a proposition to keep all men locked up because a certain number have a propensity to steal? Theoretically, perhaps, all crime or vice could be stopped by chaining us all up as we chain up a wild animal, and only allowing us to take exercise under proper supervision and control. But while such a measure would check crime, it would not eliminate the criminal. It is true, some people are only kept from vice and crime by the fear of punishment. Is not, indeed, the basis of some men's religiousness nothing else but the fear of Divine punishment? The doctrines of certain religious denominations not entirely unknown in the prohibition camp make self-respect, which is the foundation of self-control and of all morality, a sin. They decry rather than advocate it. They love to call themselves miserable, helpless sinners, cringing before the flaming sword, and it is the flaming sword, not the exercise of their own enlightened will, that keeps them within decent bounds. Yet has this fear of eternal punishment contributed one iota toward the intrinsic betterment of the human being? If it had, would so many of our Christian creeds have discarded it, admitting that it is the precepts of religion, not its dark and dire threats, that make men truly better and stronger within themselves to resist that which our self-respect teaches us is bad and harmful. The growth of self-respect in man, with its outward manifestation, self-control is the growth of civilization. If we are to be allowed to exercise it no longer, it must die in us from want of nutrition, and men must become savages once more, fretting now at their chains, which they will break as inevitably as the sun will rise to-morrow and herald a new day.

I consider the danger which threatens civilized society from the growing power of a sect whose views on prohibition are merely an exemplification of their general low estimate of man's ability to rise to higher things by his own volition to be of infinitely greater consequence than the danger that, in putting their narrow theories to the test, a few billions of invested property will be destroyed, a number of great wealth-producing industries wiped out, the rate of individual taxation largely increased, and a million or so of struggling wage earners doomed to face starvation. These latter considerations, of course, must appeal to every thinking man, but what are they compared with the greater questions involved? Already the government of our State, and indeed of a good many other States, has passed practically into the hands of a few preacher-politicians of a certain creed. With the machine they have built up, by appealing to the emotional weaknesses of the more or less unintelligent masses, they have lifted themselves on to a pedestal of power that has enabled them to dictate legislation or defeat it at their will, to usurp the functions of the governing head of the State and actually induce him to delegate to them the appointive powers vested in him by the Constitution. When a governor elected by the popular vote admits, as was recently the case, that he can not appoint a man to one of the most important offices of the State without the indorsement of the irresponsible leader of a certain semi-religious movement, and when he submits to this same personage for correction and amendment his recommendations to the legislative body, there can scarcely be any doubt left in any reasonable mind as to the extent of the power wielded by this leader, or as to the uses he and those behind him intend putting it to.

And what does it all mean? It means that government by emotion is to be substituted for government by reason, and government by emotion, of which history affords many

examples, is, according to the testimony of all ages, the most dangerous and pernicious of all forms of government. It has already crept into the legislative assemblies of most of the States of the Union, and is being craftily fostered by those who know how easily it can be made available for their purposes—purposes to the furtherance of which cool reason would never lend itself. Prohibition is but one of its fruits, and the hand that is plucking this fruit is the same hand of intolerance that drove forth certain of our forefathers from the land of their birth to seek the sheltering freedom of these shores.

What a strange reversal of conditions! The intolerants of a few hundred years ago are the upholders of liberty to-day, while those they once persecuted, having multiplied by grace of the very liberty that has so long sheltered them here, are now planning to impose the tyranny of their narrow creed upon the descendants of their persecutors of yore.

Let the greater public, which is, after all, the arbiter of the country's destinies, pause and ponder these things before they are allowed to progress too far. Prohibition, though it must cause, and is already causing, incalculable damage, may never succeed in this country; but that which is behind it, as the catapults and the cannon were behind the battering rams in the battles of olden days, is certain to succeed unless timely measures of prevention are resorted to; and if it does succeed, we shall witness the enthronement of a monarch in this land of liberty compared with whose autocracy the autocracy of the Russian Czar is a mere trifle.

The name of this monarch is Religious Intolerance.

The Rights of the Minority

This communication from Mr. Stanley E. Bowdle to the *South-West,* was printed in the December 17, 1909, issue of that paper.

Mr. Bowdle is well and favorably known as a lawyer, thinker and writer, and his lectures before the members of the Ohio Personal Liberty League have been among the rare treats afforded the members of that organization.

"Without attempting in any way to answer Mr. Bryan as to his views on personal liberty, nor to do more than refer to your excellent editorial treatment of it, let me say a word or two.

"Personal liberty is not susceptible of definition. It is idle to worry about it. It should be passed at once into the limbo of the useless and forgotten. No less an intellect than Edmond Kelly, just deceased, the greatest philosopher (in my judgment) since Spencer, amply shows that 'Liberty' can not be defined. But the function of Government can be defined. Here is where our faculties should be concentrated. The 'pay streak' is found here. We must determine what the true function of Government is and what it is not.

"Liberty is a changing element. To-day we want to do this; to-morrow, by reason of some broader, higher culture, we want to do a very different thing. Changing ideas change our lives. Hence liberty is an illusive term.

"But Government is not an illusive term. The true function of Government is a reasonably fixed thing. True,

government may extend the scope of its operation; but scope of operation does not affect essential function.

"I am not attempting to define by any means at this time the true function of Government. I simply desire to point out the fact that there are prevalent some very erroneous ideas of that function, and that some of those ideas are likely to lead us far away from the plan adopted by the fathers.

"For instance, it is a very popular notion that the Governmental machinery was intended for the use of the majority. The fact is, our constitutional guarantees were intended for the use and protection of minorities. Majorities need no protection. Our Government was set up by a minority for the protection of minorities. Minorities in Europe, tired of being kicked and cuffed about by majorities, quit Europe and came to America to set up a Government where a minority could live like gentlemen, and where society was not thrown into an uproar by the temporary will of a temporary majority. Majorities had continually usurped the functions of the States of Europe. From this usurpation minorities finally fled. The minority claimed that everything claimed by it could be allowed by the majority and society still continue to advance rapidly and healthfully. Their chief claim in this respect touched the matter of religion, of course. And time has proved most wonderfully that the claim of the minority was right. The State now neither touches, tastes, nor handles the matter of religion.

"We have found that for the State to attempt the establishment of religion is to usurp its true function. Practice has demonstrated this, and an energetic minority claimed it long in advance of practice. They said this from the stakes, the gibbets, the racks and wheels of Europe. They said this while the bones cracked, and while their flesh smoked. A murderous world of ignorance finally listened.

"But America to-day is forgetting all this in a variety of ways. A late instance of it happened to me: My daughter, a healthy child, was excluded the other day from the public schools because I declined to have her vaccinated with cow-pus, believing in the schools of Spencer and Wallace. Health is thus driven into the same isolation as smallpox. A healthy child is thus declared to be as much a menace as one afflicted with smallpox. A school of medicine has seized our public schools and is now empowered to drive out those who differ from them. Force is appealed to by this school, and Christian Scientists, Emmanuel Movementists, and other non-conformists are simply driven out. And now I see that the great Dr. Vaughn, of Ann Arbor, is out with a plan requiring every man to be examined twice a year by at least two doctors, and secure a certificate of health. Healthy men will be required to present their cards like Paris harlots. Men are to be certified like milk. And all this by force.

"The simple fact is that to-day the whole function of human government has been usurped. To govern little was the idea of the fathers. To govern much is the idea of the children. To keep as far from man's private life, his house, and his ideas, was the idea of the fathers. To invade his private life, to destroy the sanctity of his house, and to disregard his ideas, is the idea of his children. The situation is most serious. How to keep cheerful under it, is a serious question. We Americans have totally forgotten our heritage. We are throwing to the dogs the finest principles of our fathers. The end will be anarchy and night unless sanity can prevail among the leaders."

The "Dive" and Why it Exists

BY JOSEPH DEBAR.

Students of sociology tell us that no general popular outbreak, like the present prohibition wave, could exist and endure without some potent underlying cause. The causes assigned are many and largely erroneous, but chief among them we are told is the offensive saloon. To the prohibitionist all saloons are evil—as are all retail liquor stores, wholesale liquor houses, breweries and distilleries. To the fanatical declaimer against rum, no good can be found in any of these—they all look alike to him. He loves them only for the horrors they present and the arguments he can evolve from them to compass their destruction.

But among the reasoning and sane portion of our population, we still find men free from the taint of bigotry and fanaticism, who complain of the objectionable saloon, and the protests of such men are without doubt worthy of attention.

We hear a great deal about the "dives" of the liquor traffic. What is a "dive" and why does it exist?

It is an Anglo-Saxon failing to confuse dirt, vulgarity, commonness and uncouthness with evil and immorality, and in censuring a certain class of saloons, this error in discrimination is frequently in evidence, and to it is due in great measure the popular outcry against the unattractive saloon.

A rural preacher recently complained that in his town, a small county-seat town, there were eleven saloons, and that four of them were "hell holes." This is the ministerial appellation for a "dive." When asked what tax or license fee these places paid he answered a thousand dollars a year each. Had they been in existence for any considerable length of time? Yes, some of them for several years. Did they make money? Of course they made money, or they would not stay in the business.

It was pointed out to him that he had, by his answers to the question asked of him, practically admitted that there was in his community a sufficient number of people willing to frequent and perpetuate offensive places to the extent of making them paying and profitable to their owners.

In such cases is the fault with the community which patronizes, or with the keepers of such places, who, by our minister's admission, were merely supplying a popular demand for their existence?

Our ministerial friend had failed to grasp the idea that he was laying bare the sore spots in his community, and in so doing he was verifying the old adage that "it is a poor bird which befouls its own nest."

May we not deduce from this instance—and from all similar instances—that saloons are a mere reflex of the communities in which they exist? And to which end of the problem may we justly ask the minister to direct his energies for reform? To the saloon which is what its patrons make it, or to the community which makes the saloon what it is?

Are we not justified in saying that the saloon does not differ from any other purveyor to public demand?

Is not the average hotel, restaurant, grocery, general store, dry goods shop, barber shop, meat shop, a reflex of the community in which it exists.

The nature of the supply and demand regulates all of

these callings. Given a crude, uncouth community, and we find a corresponding hostelry, with bedbugs unfettered and food of the worst, both in quality and preparation. Given an up-to-date thrifty population and we find a neat and comfortable, if modest, hotel. And the same holds true of all stores and shops seeking public patronage.

Let it be understood that we are not venturing one word of defense for the disreputable saloon. We are reviewing the situation as it exists, not as we would like to have it.

We are seeking the cause of bad conditions in the retail liquor trade, believing that when the *true* cause is found, the remedy will become evident and be applied.

In the very considerable manufacturing town of Springfield, Ohio, the writer once saw an object-lesson bearing upon the question under discussion.

The whistle of a great harvesting machine shop blew announcing the noon hour. Into a nearby saloon, sweat-streaked, soot-begrimed men came in a steady stream. The writer counted thirty-three of them, hurrying from the awful heat which an August day and the stifle of the molding room of a great foundry had inflicted on these tired sons of toil.

Some had worked for hours in the swelter of a cupola of seething metal; others had swung sledges and handled tons of molten iron, and the black dust of the molders' earth had painted their faces and clogged their throats. Up to the rude pine bar they came, like thirsty sheep to a running stream. As the schooners of beer were handed up, not a word was heard, only the thirsty gurgle of the cooling liquid allaying parched throats. One by one they left the bar and dropped in weariness to the rude benches and beer kegs standing about on the sawdust strewn floor, each with lunch box, dinner pail or basket in hand.

Was this saloon a "dive?" Crude, dirty, grimy it was; like its patrons. Kept by an honest and conscientious man,

it was above criticism in moral tone; no women frequented it, no loafers or toughs hung about it. Its patrons were hardworking men of integrity and industry, albeit of sweat and grime, and plain speech flavored with pipe and stogie smoke.

And yet our kid-gloved ministers of the gospel, who toil not nor spin, and who swing no sledges, nor wield anything heavier than their brains, and hammer nothing but the cushions of their pulpit rails, tell us that such a place is a "dive"—a "low down dirty saloon."

Students of sociology, these gentlemen esteem themselves, but their studies of social conditions are usually confined to a review of the millinery array of their well-fed wealthy parishioners who sit before them in sparse array of a Sunday morning, if the weather be fine, but their researches seldom penetrate into the realm of toil and weariness and sweat and grime and molders' earth.

And there are hundreds of such saloons in the manufacturing towns of our country, filling a want and filling it properly, soberly and with no breach of good morals.

Such places are not attractive to the passing public; how could they be; nor are their patrons attractive in appearance. How could *they* be under the physical requirements of their arduous calling?

So let us go slowly before we stamp the name "dive" on the saloon of the poor man and the toiler, while giving to the rich privileges of their well stocked cellars.

But are there really no "dives"? Certainly there are, and always will be under license or no license, so long as the conscience of our public officials who are charged with the enforcement of law is as clouded as the vision of the preachers who condemn without knowledge and without discrimination.

Laws do not enforce themselves, although good laws backed by public sentiment, come very near doing so.

Sumptuary laws, especially if drastic, never enforce themselves because they always lack the support of general public approval.

But laws which are but fairly good can be enforced when public officials do their duty.

There are "dives" but "dives" are not saloons. The primary object of the "dives" is not the sale of liquor as a paying business. With them the selling of liquor is always a mere adjunct to something else. Such places are most often resorts for lewdness, plain thieves' dens or "fences" or gambling joints of the "hold-up" variety. There is no reason why they should sell liquor or be permitted to sell liquor. They are not liquor dealers, nor in existence for the purpose of selling liquor. Liquor selling is used as a blind for their true calling, and if public officials did their duty by properly enforcing existing laws, such places would be promptly abated as nuisances to the great advantage of the community, and of the legitimate liquor business, which is made to bear the odium of their iniquities, but after all, the real reform, as we have stated before, lies in the reformation of the individual, and as the individual is improved, so will the community become better.

But the morals of a community can not be improved by act of legislation, nor can the morals of individuals. The influences of religion and of home training, of precept and good example, applied to the individual, alone constitute effective moral culture, and these are the only influences which will better the individual, and through the individual the community of which the individual is an integral part.

And religion to be genuine must not be hysteria, nor emotionalism, nor sensationalism, but the consciousness of each individual's responsibility to Almighty God for righteousness and good conduct.

When these conditions are attained the "dive" will perish for lack of sustaining patronage. Under morality enforced

by legislation, the "dive" will continue its miasmic existence, hidden maybe from the light of day, but still exhaling its poisonous influences to the scandal and detriment of its surroundings, and this it will do whether or nor it dispenses liquor as a blind or side issue to its true calling.

Intemperance Not the Cause of Poverty

A table has been prepared by Prof. Warner, at Stanford University, based on fifteen separate investigations of actual cases of poverty, numbering in all over 100,000 cases in America, England and Germany. These investigations were conducted by the charity organization societies of Baltimore, Buffalo and New York City, the associated charities of Boston and Cincinnati, by Charles Booth in East London, and for Germany all the statements of Mr. Bohmert as to seventy-seven German cities. They include virtually all the facts that have been collected by trained investigators, unbiased by any theory. From these figures it appears that about 20 per cent. of the worst cases of poverty are due to misconduct, and about 75 per cent. to misfortune. Drink causes only 11 per cent., while lack of work or poorly paid work causes nearly 30 per cent.

The reason why so many people who have only superficially investigated poverty consider intemperance and such weaknesses the main cause of poverty, is that often before poverty becomes extreme enough to drive men to such charitable relief the man has lost hope or self-respect or strength of will and has taken to drink, so that when the charitable find him, drink has affected the case. But the question is, what sent him to drink? It must be remembered, too, that it is the weakest and worst poverty which

solicits alms, so that charitable people see the worst and weakest side of poverty and hence are misled.

The best poor people can scarcely be driven to the charity society. Under the present system, too, poverty is often caused by people being unwilling to tell trade lies, or submit to wrong conditions, or to push some other worker out of office, acts which are often necessary conditions to-day to getting employment.

Says Ruskin:

"In a community, regulated by laws of demand and supply, and protected from open violence, the persons who become rich are, generally speaking, industrious, resolute, proud, covetous, prompt, methodical, sensible, unimaginative, insensitive and ignorant. The persons who remain poor are the entirely wise, the reckless, the humble, the thoughtful, the sensitive, the well-informed, the improvident, the irregularly and impulsively wicked, the clumsy knave, open thief and the entirely merciful, just and godly persons."

Some people are therefore poor because they are good. Even when the poverty is caused by moral weakness and vice—what causes that? Science answers almost categorically: "Environment." Hence it may be said that poverty is the result of individual and social causes, and that the individual causes are mainly the result of social causes.

All evidence worth considering goes to prove that poverty and crime are both results of forced idleness or low-paid labor. As a rule men who are steadily employed at some productive work and who get in return for their labor what they consider to be a fair share of the product of their efforts are temperate and moral. If all men could feel sure of steady work at fair pay there would be practically no need for policemen or temperance societies.

Poverty and crime are results of laws which men have made, and we will have both so long as these laws are in

operation. It is not the fault of God or nature, or whatever you may term the creative cause, that many men are poor, shiftless and intemperate. The fault lies with the people, and with them rests the remedy and the responsibility. When the people are wise enough to remove the cause the evil will disappear. It is about time for men to stop repeating that antiquated lie that intemperance is the prime cause of poverty, and take up the study of how to remedy the real cause—enforced idleness.

In general, the claim is just that poverty is a cause rather than a result of intemperance. The most authoritative medical writers declare that where there is want of wholesome food, lack of pure air and water and absence of home comforts and pleasure, "an unyielding and inexorable law, or necessity, compels the person so situated to seek relief in alcoholic stimulant." A complete proof of this is cited by Dr. Southwood Smith, a leading physician and philanthropist of England. The doctor says: "In Lambeth Square, near Waterloo Road, London, a population of 434 souls were huddled together. One person in five was diseased, and fifty and sixty per thousand annually died. The square was drained, water was made abundant, and used to carry away what formerly remained in cesspools. The changes soon appeared. The mortality declined to thirteen per thousand. The intemperate became sober, and the disorderly well conducted, after taking up their abode in these healthful dwellings.

In fact, pauperism has little or nothing to do, in the aggregate, with the question of license or prohibition, but is the result of social and economic conditions coupled with improvidence. That this view is correct is further shown by the fact that intemperance increases in all countries in times of commercial and industrial depression, and decreases when work and the means of support are abundant and easily obtained. Italy is the paradise of paupers yet her

population is one of the most temperate upon the globe. In Spain drunkenness is extremely rare, and yet the number of paupers is many times as great as in America or England, where the quantity of spirits consumed is largely greater. In Mohammedan countries, where wine is forbidden by the Koran, pauperism exists to an astonishing degree. It might be said in this connection, also, that the most ardent prohibitionist will hardly claim that the morals of Turkey with all its prohibition are superior to those of America under license. In Scotland in the ninth century the houses of sellers of drink were torn down, their goods confiscated, the men themselves banished, and the penalty of death imposed upon all who should violate the decree or law by selling drink. Scotland became, within a very short time, the home of inebriety, and the land was in a few years overrun by myriads of beggars who swarmed in every locality.

Prohibition and Temperance

BY A. J. SUNSTEIN.

The difference between prohibition and temperance is the difference between force and education.

Temperance is desirable in all things, and is a matter of education. It is the exercise of the will under training and habit.

It presupposes manliness and character, and recognizes personal rights even in the use of liquors.

Temperance is not prohibition which says there shall be no use of liquors, and that human beings have too little character and manhood to be trusted with them, therefore they shall not be tempted in this territory by the exposure of liquors for sale.

That prohibition is not temperance is proved by the results under prohibition, which is invariably the increase of vile dens and secret resorts, where the most poisonous concoctions are sold under the most degrading surroundings, and usually under the protection of grafting officials of the law.

It has been said the income tax will make a nation of liars, and we believe prohibition will make a nation of sneaks.

On the moral question involved we believe in education for temperance as against forceful prohibition. We believe that the conviction that you should not drink to

excess will be of more benefit to the race and to manly character than the command "you shall not drink at all," and moreover the last is impossible because one has a right to purchase elsewhere if not in his own town.

Aside from this, however, there is a tremendous industrial question involved.

It is said that no less than a million wage-earners would be thrown out of work by prohibition.

If an educational movement in favor of temperance should largely revolutionize the liquor traffic it would be by degrees and the various interests would adjust themselves naturally to new conditions; but prohibition if successful would cause a panic, and we have had enough of panics.

But prohibition will not be successful. It has not been and never will be.

Maine has been its shining light for many years, and has also been notorious for the ease with which vile whisky could be purchased in all sections of the State.

Prohibition means to go behind the door like a sneak to do what ought to be done openly, if at all.

Prohibition will suffer a reaction, but the cause of temperance will progress.

Present American Business Conditions in Distilling Industry

BY MORRIS F. WESTHEIMER, PRESIDENT OF THE NATIONAL WHOLESALE LIQUOR DEALERS' ASSOCIATION OF AMERICA.

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Government statistics in the distilling industry are accurately tabulated and promptly furnished to all applicants, thus offering to any one desiring to study them the means of reaching conclusions to an extent impossible in almost any other line of manufacture. We need not, therefore, indulge in any surmises, but can go at once to the facts and figures contained in the reports of the Commissioners of Internal Revenue in Washington, D. C. The records of the United States Internal Revenue office show the following:

Prior to 1900 the largest quantity of distilled spirits tax-paid and withdrawn for consumption in any one year was in the fiscal year ending June 30, 1893, during which period the amount was 97,424,825 gallons.

The financial panic and the following depression brought about a gradually decreasing demand until we reach the fiscal year ending June 30, 1896, which year shows the smallest annual quantity tax-paid in a quarter of a century, *i. e.*, 60,635,356 gallons; a decrease of 37 per cent.

The tax-payments for the fiscal year ending June 30, 1894, show 87,087,618 gallons.

Comparing this with the year ending June 30, 1896, 60,635,356 gallons; a reduction of 30 per cent.

Let us compare these Government statistics with present conditions:

Spirits tax-paid and withdrawn for consumption for the fiscal year ending June 30, 1906, 122,617,943 gallons.

Spirits tax-paid and withdrawn for consumption for the fiscal year ending June 30, 1909, 114,799,465 gallons; a decrease of 6 per cent.

For the fiscal year ending June 30, 1907, 134,031,066 gallons.

For the fiscal year ending June 30, 1909, 114,799,465 gallons.

Decrease in consumption due to commercial depression beginning with the financial panic in the fall of 1907, 14 per cent.

It is evident that the depression in general business conditions during the years 1907 and 1908 did not reduce the consumption of spirits as greatly as did the hard times of 1893 to 1896.

Tax-paid for consumption during fiscal year ending June 30, 1908, 119,703,594 gallons; a decrease as compared with 1907 of 10.7 per cent.

The United States Geological Survey gives the production of coal in the United States for the year 1907 as 480,363,424 short tons. For the year 1908, 415,842,698 short tons; a decrease of 13.4 per cent.

Coal being an accurate barometer of general manufacturing conditions, the decrease of 13.4 per cent. in coal production, as compared to 10.7 per cent. in consumption of spirits, is extremely interesting. A study of the following table will more clearly indicate the comparative effect of depressed business conditions, following the panic

in 1907. (All figures are taken from Governmental reports):

	1907.	1908.	Decrease per cent.
[1] Production of pig iron, long tons	25,781,000	15,936,000	38.1
[1] Production of steel, long tons	23,363,000	15,000,000	35.7
[1] Imports of sugar, pounds	4,391,839,975	3,371,997,112	23.2
[2] Bank clearings, dollars	157,673,000,000	127,755,000,000	19.
[1] Production of Coal, short tons	480,363,424	415,842,698	13.4
[2] Tax-payment of distilled spirits, gallons	134,031,066	119,703,594	10.7

[1] Fiscal year.
[2] Calendar year.

The statistical abstract of the United States gives the per capita consumption of all liquors and wines:

For fiscal year ending June 30, 1888.....14.65 gallons
For fiscal year ending June 30, 1898.....17.37 gallons
For fiscal year ending June 30, 1907.....23.54 gallons
For fiscal year ending June 30, 1908.....23.01 gallons

THE PROHIBITION MOVEMENT.

These facts are all the more striking, impressive and remarkable in view of the widely heralded "Prohibition Wave," now slowly receding, but which attained its greatest strength in 1908. They indicate beyond dispute that legislative prohibition instead of largely reducing the quantity of spirits consumed—as contemplated by its advocates—has very little, if any effect in that direction. It has, however, reduced the *quality* of goods consumed and has driven the retail business into less reputable and less responsible hands. Where prohibition prevails there will be no improved demand for goods of the higher grades. Where goods are selling under the sanction of the law, commercial conditions bring keen competition, necessitating good quality and small profit to the legitimate dealer.

When traffic of any kind is carried on under the ban of the law, these conditions are reversed, resulting in diminished competition, poor quality, and larger profits to the violator of the law, all at the expense of the consumer and with the added moral damage of destroying respect for all law.

The consumption of distilled spirits it always affected by general business conditions. With the tariff settled, and abundant crops assured, there will be a revival and extension of manufacturing in many lines, which will include a corresponding revival in the distilling industry.

EFFECT OF THE RECENT TARIFF LEGISLATION.

It is too early to forecast any direct result of the new tariff law. The quantity of liquor imported is at all times very small in comparison with home production, and in character such importations belong largely in the class of the higher luxuries, such as champagnes, fine cordials, bitters and other special preparations. It is not probable that the new tariff law will have any important effect upon home production—certainly, no detrimental effect.

The exportation of American distilled spirits for consumption abroad has never reached important proportions; this is partially due to the fact that the growth of the business in this country has been so steady and rapid as to make it unnecessary for the American distiller to shoulder the expense of seeking a market abroad. Furthermore, the exportation of distilled spirits has been handicapped by cumbersome and antiquated revenue and customs regulations.

THE GENERAL OUTLOOK FOR THE FUTURE.

The general outlook for the future from commercial and financial standpoints has seldom been better. The

growing crops of all cereals used by distillers promise to be phenomenally large this years. This means raw material at fair prices for the distiller and abundant purchasing power for the consumer. Prosperity for one industry means prosperity for all, and with tariff uncertainties out of the way, it is the concensus of opinion among merchants and manufacturers in all lines that our country is on the eve of prosperous times.

Anything adversely affecting so great an industry as that of distilling in this land of ours, bears with almost equal hardship upon the collateral trades dependent upon it. The forester who cuts and sells stave timber for barrels, the iron dealer furnishing hoops, the bottle maker, box manufacturer, cork and cap and label maker, the printer, the lithographer, the cooper, the farmer producing corn, rye and barley, the malster, the coppersmith, the ironworker and distillery builder, and innumerable other industries dependent upon that of distilling, are all equally interested with the distiller in auguries of the future.

Over all of these there lowers at the present time the one menace of confiscatory and destructive legislation, such as has been enacted recently in some of our States, as a result of the hysterical and emotional prohibition campaigns, conducted under the auspices of the Anti-Saloon League. A notable instance is furnished by recent legislative enactments in Tennessee. In that State, since the first of July, 1909, the sale of liquor *within* the State has been practically prohibited, and after the first day of January, 1910, manufacture is absolutely prohibited even for sale *outside* of the State. Needless to say this is practical confiscation of brewery and distillery property and without one penny of compensation from the people of Tennessee, who are presumed to be the beneficiaries of such confiscatory legislation.

For more than a century of national life the distilling

industries have been protected, fostered and encouraged by national legislation. The space accorded me by your invitation forbids my going into details on this question. So unique and revolutionary in America is the present tendency toward confiscation and destruction of vested rights and property interests, that it might well be the theme of future contributions to your volumes. The law of eminent domain alone justifies the taking of private property for the public good, and nowhere and at no time should this arbitrary power of suppression be exercised without due compensation to the owners. If all the people of Tennessee are to be benefited by the suppression of distilleries and breweries within the limits of that State, should not the people of Tennessee be willing to pay for the alleged benefits thus secured to them? In England, when it was recently proposed to reduce the number of licensed public houses (saloons) there was no suggestion by members of Parliament of any plan which did not include full compensation to the publicans (saloon-keepers) to be eliminated, for the full value of leases, fixtures, stock on hand, and good will.

I anticipate the sophistry with which this protest will be met by the Anti-Saloon League. They will tell us: "We do not confiscate your distilleries and breweries—we merely forbid you to operate them." The flour mill which is forbidden to grind wheat is as valueless an asset as a railroad prohibited from running trains over its rails.

There are signs of an awakening among the owners of property of all kinds in the face of this destruction of vested rights and values—a confiscation planned and carried out at the behest of a league, or organization, whose promoters and leaders tell us that it is the "united church forces in action."

The leaders of this movement are largely ministers—men consecrated to the teaching of morality. The follow-

ing, from the Cincinnati *Enquirer,* of April 5, 1908, is interesting in this connection:

"New York, April 4, 1908.—Chancellor James R. Day, of Syracuse University, made a statement to the New York Methodist Episcopal Conference to-day, in which he declared, on behalf of Bishop Moore, that the bishop was not in sympathy with the barn-burners of Kentucky, but that the bishop felt the destruction of the tobacco, in view of the position of the Methodist Church, to be a commendable thing. The chancellor said that the bishop did not look favorably upon the destruction of the barns and warehouses containing the tobacco."

These niceties of anarchistic discriminations are interesting, but they make faint appeal to a property-owning, liberty-loving, and law-abiding American public.

The distilling industry in the United States is of vast proportions, representing hundreds of millions of invested capital. Many thousands of men and their families are directly, or indirectly, dependent upon it for their livelihood. The immediate extermination of their means of support is as directly threatened as is the property of the owners of hundreds of distilleries, breweries, cooperage, box and bottle plants. By whom is this destruction and extermination demanded? Let us see. In *The Annals* of the American Academy of November, 1908, appears an article contributed by Rev. W. M. Burke, California State Superintendent of the Anti-Saloon League, entitled "The Anti-Saloon League as a Political Force," which concludes as follows:

"Let any question have the support of the entire evangelical church, then organize this force for action; put into the field four hundred and fifty keen, bright, able men; let them draw their support from the millions who are in favor of the objects proposed, and you can *create* and *organize* sentiment enough to accomplish almost *any purpose*

desired. That is what is happening in the political arena to-day as against the open saloon. It is merely the united church forces in action."

As further defining the attitude and methods of the Anti-Saloon League, the following quotation from an interview with the Rev. Purley A. Baker, General Superintendent of the Anti-Saloon League, written by James B. Morrow, and printed in the Cincinnati *Enquirer* of Sunday, February 23, 1908, is significant:

"You must remember that the Anti-Saloon League is not in politics as a party, nor are we trying to abolish vice, gambling, horse-racing, murder, theft or arson. The gold standard, the unlimited coinage of silver, protection, free trade and currency reform do not concern us in the least. In no instance has the League ever nominated a candidate for public office. Nevertheless, we are the most skillfully and completely organized *political force* in the country."

In the same interview Rev. Baker further informs the public: "We had to beat eighty-seven men for the Legislature in a certain State before the leaders of the two political parties ceased to sneer at us." Lack of space forbids further reference to vauntings in this interview of the work done by the "united churches"—skillfully organized as a "political force" in electing and defeating almost entire State Legislatures, and of doing and undoing State senators and members of Congress in the effort made by the "federated churches" to control the reins of Government. Enough has here been quoted to make evident that commercially, financially, and politically we are confronted with a new problem in American life.

Men more competent than I am to analyze this problem assure me that many good and earnest church men and women deplore the fact that so many of their fellow-workers are being misled and misrepresented by a majority

of their clergy, who have been swept away from safe moorings by the emotionalism of Anti-Saloon League methods.

An interesting sermon was delivered on Sunday, August 15, 1909, in St. Paul's Church at Richmond, Va., by the Rev. W. E. Evans, D. D., Rector of the Church of the Advent, of Birmingham, Ala., from which I quote:

"A fierce political contest has been going on in Alabama for quite a time. It was not the question of temperance, but of prohibition. To preach temperance is to preach religion, but prohibition is politics. Failing to make this distinction, certain ministers turned their place of worship into lecture halls, where this phase of politics was discussed, and political harangues—in the churches, mark you—were applauded to the echo! In a paper received only day before yesterday, I saw that crowds of ministers were gathered at the State capitol, and were lobbying in the interest of their political party. What is the impression made upon sober, thoughtful minds. Just that which St. Paul deprecated, 'the ministry is blamed' as forsaking its legitimate sphere and obtruding into politics.

"Yet, I recall that several years ago, when Roman Catholic priests appeared as lobbyists in the halls of Congress, the Protestant press, from one end of the country to the other, was unanimous in protest, and I presume it expressed the feeling of the Protestant clergy and laity. These priests were working for appropriations for their Indian schools, yet against them the newspapers sounded a trumpet blast of indignation. In Alabama it is a State capitol that is besieged by crowds of ministers using the power of their office to promote a *political* movement."

For centuries the union of State and church in the countries of Europe has been a source of unrest and contention. The trend there has been toward complete separation of church and State. Where such union still exists, for instance, in England, the functions of civil and ecclesiastical authority are each defined and limited. The church

there is respectful in its attitude toward civil authority. It is only necessary to study the methods and utterances of the Anti-Saloon League leaders in this country to see that among them, at least, no such spirit prevails here.

The movement here appears to be an attempt at domination of civil by church authority, accomplished by seizing the power of government, through the medium of the ballot, and exercising that power for purposes of confiscation and destruction, aimed at any and all things standing in the path of the "federated churches" working as a "skillfully organized *political* force."

The future of the distilling business can be accurately foreseen only by one of prophetic powers, far-seeing enough to determine how long the American public will permit this tendency toward church supremacy in politics to work unchecked. The fact can not be too strongly emphasized that no property is safe from a menace of this nature.

FORECAST.

As bearing strongly upon the future of the distilling industry, there are being slowly, but surely, evolved from the great mass of suggestions, coming from many sides, well-defined plans for the regulation of the retail sale of liquors under State control, which will doubtless eliminate those features which are now made the excuse for complaint and attack against the business as a whole. The National Wholesale Liquor Dealers' Association of America believes that public sentiment is rapidly shaping itself in opposition to prohibition and is turning towards regulative license laws.

Based on the sane and successful laws in force in Pennsylvania and Massachusetts, the license plan of the future will no doubt provide safeguards which will embody the following features for the control of sales of liquor at retail:

First: The character of the applicant, and not the fee, should be the determining factor in granting license.

Second: Licenses should be issued by a non-political board, and be limited in number and based upon population.

Third: A license should be revoked when the owner violates the law.

Fourth: Where owners of licensed premises are voted out of business, under State-wide or county option laws, such owners, who have not violated the law, should be compensated for the loss inflicted upon them by being forced out of business.

Fifth: Officers of municipalities should be compelled to enforce all laws, and laws should be so framed as to remove temptation from the saloon-keepers to enter into active politics. In many States it might be desirable to include laws limiting the sale of liquors to unbroken packages, not to be consumed on the premises, except in inns, hotels and restaurants. I quote from the platform of our association:

"It is true that in the growth and development of our industry, in common with all others, be they railroads, insurance, or banking, excesses have crept in which menace the welfare of those engaged in them. It is as unfair to say, as it is impossible to achieve, that the evils can be cured only by destroying the industry.

"It is our firm conviction that those who honestly seek to promote the cause of true temperance will find the surest and safest method in the continuance of the licensed saloon, conducted under proper laws and reasonable regulations strictly enforced."

In conclusion, in the well-known words of Patrick Henry, "I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past," and so, judging by the past, I confidently count upon a steady revival of

the distilling industry commensurate with other lines of manufacture. I hope and believe that the "Prohibition Wave," so often erroneously entitled the "Temperance Wave," will, in receding, leave in its wake equitable, fair and right-minded regulative laws, which will remove the liquor question from the realm of politico-clerical agitation.

Abraham Lincoln's Temperance Views

Abraham Lincoln, with his love of his fellow-man, was a temperance advocate, but he believed in being charitable in an effort to decrease intemperance; he believed in converting the individual by appealing to his character and in a manner to win his confidence. By the same token he was opposed to driving an individual, to denouncing him, to cursing and abusing him, always contending "that a drop of honey catches more flies than a gallon of gall."

In a speech delivered by Lincoln before the Washingtonian Society, of Springfield, Ill., Lincoln said:

"Too much denunciation against dram-sellers and dram-drinkers was indulged in. This, I think, was both impolitic and *unjust*. It was impolitic, because it was not much in the nature of man to be driven to anything; *still less to be driven about that which is exclusively his own business;* and least of all where such driving is to be submitted to at the expense of pecuniary interest or burning appetite. When the dram-seller and drinker were incessantly told—not in accents of entreaty and persuasion, diffidently addressed by erring man to erring brother, but in the thundering tones of anathema and denunciation with which the lordly judge often groups together all the crimes of the felon's life, and thrusts them in his face just ere he passes sentence of death upon him—that they were the authors of all the vice and misery and crime in the land; that they were the manu-

facturers and material of all the thieves and robbers and murderers that infest the earth; that their houses were the workshops of the devil, and that their persons should be shunned by all the good and virtuous, as moral pestilences—I say, when they were told all this, and in this way, it is not wonderful that they were slow, very slow, to acknowledge the truth of such denunciations, and to join the ranks of their denouncers in a hue and cry against themselves.

"When the conduct of men is designed to be influenced, persuasion—kind, unassuming persuasion should ever be adopted."

Liberty vs. Prohibition

BY CLARENCE DARROW.

The following address was delivered by Mr. Clarence S. Darrow, of Chicago, at a public meeting held in New Bedford, Mass., on December 4, 1909. This city, with Worcester and others, changed from "dry" to "wet" by a large majority in the election held a fortnight later.

I am going to talk to you on the subject of prohibition. Of course I know that the good people who are voting no-license tell you this isn't a prohibition campaign; that is, they don't propose to forbid anybody from buying liquor, they only propose to forbid anyone from selling it. You have a right to buy all you want, but nobody can sell it. Now that is prohibition logic. (Laughter.) Perhaps a drunken man might understand it, but I don't know who else would. It ought to be pretty plain to the average man who doesn't try to fool himself that if it is against the law to sell something, then nobody can buy it without either violating the law or getting somebody else to violate the law, which isn't any better, and not quite so good. So if the citizens who propose to forbid a license in these towns succeed, and the law is enforced, it means that nobody can sell and nobody can buy it. If it means anything else, it is a farce and a fraud and a humbug, pure and simple, and there is no use to fool about the question and try to deceive anybody, even yourself.

So this question, as far at least, as a policy of government, is a question of prohibition, pure and simple,—at least simple, I don't know how pure it is. (Laughter and applause.) You are going to be called on to vote this town dry again. You can probably vote the town dry, but can you vote the people dry? Somehow the Lord, when He fashioned this Universe and created man, didn't understand the job as well as the prohibitionists understand it, and He left mankind to stumble along and do the best they can. If the Lord had been given the advice of the prohibitionists it would have been much easier and saved us a lot of trouble. There wouldn't have been any wickedness in the world, excepting prohibition. (Laughter.) If anything went wrong, all that would be needed would be to make another law and then you could make people right. If men drank too much, make a law and then they won't drink too much. If they ate too much, make a law and then they won't eat too much. If they don't go to church, make a law and then you will fill the churches. If they don't go to the right church, make another law and head them in the direction of the right church. If a boy wants to have any fun on Sunday, or a man who works hard all the week wants to go to a picnic on Sunday, make a law; then he won't go to the picnic, but will go to church. Now the Lord didn't understand His business when He conceived His plan of peopling the earth with men and women; there were no prohibitionists there to give Him any advice, so He simply created man and left him here with all the infirmities of human nature which often lead him wrong; with all the higher feelings which sometimes lead him right.

He doubtless understood that, after all, there is nothing that counts with man, excepting character, and if he hasn't got the character to take care of himself, then he isn't worth taking care of. That was His theory. But

it isn't the theory of the prohibitionist. If a man hasn't got the character to take care of himself, then we have got to take care of him and ruin ourselves doing it.

Now I concede the honesty of these people. They are honest, they are high-minded, they have been willing to preach their doctrine in season and out, and are working for the good of the world. They ought to be heard, they ought to be listened to. Every man that has a theory, no matter how fanatical, ought to be allowed to air it and present it. All I object to is being put in jail if I don't agree with the other fellow's theory. I don't believe in prohibition, but I am not a fanatic. If I had a chance to make the law just as I wanted to, I wouldn't compel a prohibitionist to drink a pint of beer every morning for breakfast. (Laughter and applause.) I think that would be carrying it too far, and I wouldn't pass a law to make him pour down his throat a glass of whisky against his will. That would be carrying my doctrine too far. No more will I permit him to say to me, you can't drink a glass of beer if you happen to want it. To my mind, it is exactly the same thing, and I wouldn't stand for either one, but the prohibitionist says: "Oh, no, you can't make *me* drink beer and I won't let *you*."

Well now, if he cuts me off from everything he doesn't believe in, I don't know what I will have left. It is a wise and fine scheme. The people, for instance, on the front row of seats will pick out the things they like to eat and drink, and they will say to the people on the second row: "These are the things you have to eat and drink." And the people on the second row will fix up a bill of fare for the people on the third; now it is possible the people on the first row know better than the people on the second what is good for them; but it is also possible that men would get along better in the world if they decided for themselves what is good for them. They may

sometimes decide wrong; they may eat something or drink something that doesn't agree with their stomachs, but, after all, human tastes are not the same. And as a general rule it is a pretty good plan to mind your own business. (Cheers and applause.) That is, if you've got any. (Laughter.) Now if I were fixing up a bill of fare for people to eat, I wouldn't let anybody eat chicken; I don't like it, I can't understand how a sensible man can eat it. I would rather have corned beef, but I have known a good many fairly intelligent people who eat chicken, and if I should pass a law to cut them out of chicken, why the clergymen might say I was aiming at them, and why should I? (Laughter.)

We have inherited some traditions of liberty in this country. They are not new to Americans. They are not new even to English-speaking people, but we have believed that each person should be left as free as he possibly could be, consistent with fairly good order in the society in which he must live. He should be left to do what he pleases, drink what he pleases, smoke what he pleases, live as he pleases, go and come as he wants to,—in short, manage his own life. Unless he can do this, he may as well be dead, for if somebody else is going to manage it for you, you won't get much fun out of living. (Laughter.)

ETHICS OF THE QUESTION.

Now there are two or three things in the beginning that I want to speak about. I am not interested in whether you are going to sell more goods in New Bedford with whisky or without it. I don't care a cent for that kind of argument. I don't live here and I don't think if I did I would be influenced by any such consideration. If drinking beer is in the category of cutting throats and burglarizing houses, then you ought to be ashamed to make

money out of it, and you ought to go prohibition even if the grass grows in the streets. I don't care whether you get rich or get poor because of drink, and I don't think any self-respecting man ought to care whether you get rich or you get poor because of it. If it is a business which fairly and justly comes within the criminal code, then you can't excuse yourself by getting money out of it, neither the city nor the nation. The nation ought not to get revenue and the city ought not to get revenue, and the business man ought not to get revenue, if drinking beer is like cutting throats and burglarizing houses. On the other hand, if it is not, if it is a part of my liberty which I should defend—and when people stop defending their liberty, it is gone—then it doesn't make any difference whether we lose money out of it or whether we don't lost money out of it; I ought to stand for the simple right to manage my own affairs, to eat and drink what I please without calling a town meeting to decide on the bill of fare. (Applause.)

I don't propose to-night to give this audience any statistics. I could give you statistics by the bushel, and so could the other fellow. You can get statistics on both sides of any question, no matter what that question is, and generally they don't prove what they pretend, and it takes a very wise and educated man to handle statistics, and likewise a very honest, unprejudiced and unbiased man to handle them and make anything out of them excepting some broad generalizations. Now I haven't got any time for them myself. I would rather discuss principles. I would rather talk about things that every person in this house knows and understands, which can't be juggled or fooled with, and which appeal to your human nature and your innate instincts, as to right and wrong.

Is prohibition right? Is it right in theory, or is it wrong. Let's see. Now you know it is a great deal easier to make a prohibition speech than it is to make one against

prohibition. I never tried to, but I have listened to them and the prohibition speakers can beat us to death. They don't know the reason, but I will tell them if there are any of them here. I wouldnt' want to hold a debate with a prohibitionist for the simple reason that he could get the audience in spite of himself. I never look for trouble that way. The prohibitionist appeals to the feelings and the sentiments and the passions of men. You know it. Did you ever hear any of them talk sense? (Laughter.) They appeal to men's passions and feelings and prejudices. And when you do that you have got your audience, and when you talk to a man's judgment and reasoning, that is a hard job, I don't care whether it is in New England or in Chicago.

There are some things that have been said on both sides which I regard as somewhat foolish, and I want to go away leaving you the impression that I meant to deal honestly with this subject, as I intend. I may be mistaken about my judgment, many times I have been, and you are the ones to decide it. I don't have to live here, I can get a drink in Chicago any time. (Laughter.) Then, besides, I don't care much for it. I never cared anything for it until this prohibition movement set in. (Laughter.)

I don't believe that alcohol is a food; I don't believe that men need beer or whisky or alcohol in any form, and I don't propose to argue it. I am willing to concede that beer and wine and whisky are just good for one thing. That is, that they taste good going down. That is all there is of it, excepting, of course, for mechanical and sacramental purposes, and I don't know much about their use there, so I won't discuss that. You have a right to use them for that even in a dry town, but aside from that they taste good going down; that is, they taste good to some people. There are some people who say they don't taste good not only to them, but to anybody else—of course,

they know! They are wise, and they know what a well-developed, normal appetite is, but I wouldn't trust them. Sometimes people are color-blind in their tastes.

I don't believe for a moment that the human system needs alcohol in any form. But what of it? Is that any reason for not having it? We have a great many things we don't need, as I will show you a little further on. The fact is that none of us are interested in the things we need. Anybody can get the things they need; you can get them at the poor-house and not work at all. It is the things we don't need that everybody is after. It is the theatres and the good food and the good drink and the automobiles and the vacations, the things we don't need, that we are all working for, which make life worth living. "You fellows can have the necessities, I will take the luxuries!" That is the way it has always been between the working man and the fellow that don't work,—that is the reason I don't work. If anybody is satisfied with the things he needs, that is about what he will get, and he won't need much at that.

Now this question does not require very much discussion. I think I can state our side of the question in about ten or fifteen sentences. If I am born free, or become free by act of law, and if I am of age and able to look after my own business and haven't any guardian and can buy a horse or sell a farm, then I ought to be able to order my dinner at the hotel and say what I want to eat and what I want to drink.

It is one of the most primitive wants and one of the most primitive desires and if I can't settle for myself what I want to eat and drink and wear, where I want to live and how I want to live, then I haven't got very much liberty, after all, and freedom is very much of a dream. If I am free by the laws of my country, I ought to know whether I want to drink beer or coffee. Probably both are some-

what injurious—coffee much more so than beer. But it is my own body I am taking a chance on all the while and nobody's else. It isn't for me to prove my right to do it. The fact that I live and breathe in a country consecrated to individual liberty is enough. I have the right to do it because I am a man, and a man who lives under a government where people are supposed to be rulers of themselves, instead of their fellow-men. And that is all there is to it. If a man tells me, "You can't drink beer," then it is up to that man to give the clearest and most explicit reason why my liberty should be curtailed. It isn't for me to prove my right to drink beer any more than my right to breathe air or drink water. I prove them both by the same logic and by the same common instincts which move all men.

CRIME AND DRINK.

What excuse has the prohibitionist to offer that the drinking of beer or any intoxicating liquor is a crime, and that men should be forbidden it or sent to jail if they have it? They have the same excuses to-day that they had forty years ago; they tell you that beer and whisky and wine are responsible for most of the crimes of the world, or a large part of the crime of the world. They say that intoxicating liquor produces crime; produces poverty; produces death; produces misery, and for that reason it should be forbidden by law. That was the indictment then, and that is the indictment to-day.

Is liquor responsible for any large part of the crime of the world? Is it responsible for the men in jail? Has the man in the penitentiary or the man whom society has singled off as criminal, been made so by rum? Now when I speak of criminals, of crime, I don't mean a plain case of drunk, where a man gets too much liquor and is locked up for the night, simply because he got too much liquor—

that is not a crime in any sense. If men were arrested when they eat too much, the same as they are when they drink too much, about half the best citizens in town would spend every night in jail. (Applause.)

But when I speak of criminal conduct, I speak of crime, such as has been denounced by the law and by people always as criminal. Is whisky responsible for it? Now I will give you a few facts which appeal to your own experience and which show how false and untrue this statement it. It is hard to gather statistics of crime or statistics of any sort and prove that they are true, but I can give you some facts. First of all, the men who fill our jails and our penitentiaries come from one class and only one,—that is the poor. Our jails, whether in Massachusetts or in the West or in Europe, are filled with one class, and they are built for one class, and that is the poor. Here and there and once in a while some rich man is caught, but only enough to show the exception which proves the rule, for when a rich man is sent to jail, he isn't sent there for drink, but because he wasn't rich enough. The jails and the penitentiaries all over the world are built for the poor. Now let me ask you one question which settles all of this. Did you ever know any rich people to drink? It can't be. Because if they did they would be in jail or the penitentiary, for drink produces all the crime in the world. Why to hear these wise philosophers stir up the passions and feelings of men, you would think only the poor drank. Now, as a plain matter of fact, beer or whisky is like almost everything else in the world,—all of it is produced by the poor and the best of it is consumed by the rich. They have plenty of time and plenty of money to drink with, and there are a lot of poor people who are too poor to drink.

A great philosopher and historian, Thomas Buckle, who wrote the first part of "The History of Civilization in Eng-

land," made long observations extending over long periods of time in all countries and he showed conclusively that the number of people in jail rose and fell every year just as the price of food rose and fell. (Cheers.) When bread was dear, it meant that more people went to jail; when bread was cheap, fewer people went to jail. He also showed what every man who has honestly studied this question has found out since—not what prohibitionist orators have found out, they never find out anything—that more men go to jail in winter than in summer. Ever hear any prohibitionist say that? They don't know it, and if they knew it they wouldn't know what it meant, and if they knew what it meant, they wouldn't tell you. There are more people in the jail in the winter than in the summer because work is scarce.

I will tell you something else—more people go to jail in hard times than in good times. The poor man goes to jail in winter; when the sun comes out in the spring and work becomes plentiful, he comes out of jail because he can live outside easier than he can inside. He is governed by natural law, nothing more or less. You may take a hundred cattle and place them in a field and if the feed is good they will stay there, but let the feed get short, and they will mighty soon learn to jump the fence if they have any brains at all. So it is with people. Under this system of society, where a few men own the coal and the iron and the timber and the land and the railroads and have monopolized all the means of production and distribution, the great mass of men, having nothing to sell but their labor, are living close to the line of want. They are living where sickness, misfortune, accident, loss of a job, drive them to want. Some of them are less intelligent than others, but there is always a very narrow line that separates the lawful from the unlawful, and often misfortune or loss of work causes these poor unfortunates to

step over the line between lawful conduct and unlawful conduct, and they fill our penitentiaries and jails. Then, too, there are people who commit crimes,—crimes of feeling and passion, of hatred and revenge and jealousy, which have ever moved the hearts of men.

Let me give you a few illustrations that may appeal to your experience. Tell me that crime is produced by Rum! We have had three Presidents of the United States assassinated: not one of the three assassinations had as much relation to liquor as the change of the moon, not one! You have read of the murder cases all over New England, New York, and the United States. You can scarcely recall one that had any sort of relation to liquor, no more than to food. They were due to the passions and feelings and hatreds of men and of women; and had no relation whatever to whisky, and still orators keep repeating over and over again that old story, that whisky is responsible for the crime of the world.

How do these people find it out? Why I know something about criminals, so-called; I know something about them because I have seen them and I know them and I know something about myself, and all of us are partly criminal and partly good. Where do you suppose they get their information? They don't need any information, to start with. They just say things, and they have got it, where? Do they get their statistics out of the jails? Now STATISTICS ARE DANGEROUS. They are still more dangerous when they come out of a jail, and doubly dangerous when they come out of the jail through prohibition speakers, and you can't depend upon them at all. How do they get them? A poor man is locked up in jail; nobody comes to see him, he looks over across the court-yard and sees a friendly visitor coming toward him, and he can tell who he is a block away. He knows he is a prohibitionist because he has a face as long as a telegraph pole. The

friendly visitor says to him, "My good man, how did you get in here?" And he says: "Rum!" Right off quick. If he said beefsteak the friendly visitor would put it down as "Rum" anyway, and tell him he was criminal and a liar, too. (Laughter.)

But suppose he answered it right, then what? I have gathered statistics in jail. I have had something to do with the law. I have been at it a long while, and have tried a good many criminal cases. But I never defended a guilty man in all my life. (Laughter.) Now you don't believe it. Well, I will tell you how I know. I asked them and they said they weren't; they said they were innocent. Why, you go in there and see one of them and he is charged with stealing a twenty-dollar gold piece; he would say: "I was going down town for a loaf of bread and some fellow came out of an alley and he shoved a twenty-dollar gold piece in my pocket and the policeman came along and took me, and the other fellow 'done' it and I didn't do it." And if there isn't anybody else in the world it can be charged to, there is always one, and that is Rum! Rum! And when you say Rum did it, why, every prohibitionist in the country will say, "Amen! How glad we are, it gives us more statistics."

We don't know much about crime. Ordinary men are educated to believe that a criminal is in some day different from other men. He isn't. It may be that his intentions are as good as ours. I could take any one in this house who never knew anything about crime whatever, to a penitentiary on a Sunday morning, lead him into the chapel and upon on the platform. Once on the platform, look at the sea of faces before you. If you never had had any experience, you would know that these people were criminals. You would know it from their misshapen heads, you would know it from their starved bodies. You can cure crime in one way, and only one. Abolish monopoly! Give men

an opportunity to live! Let no man beg for a job! Destroy poverty! Give men light and air and food, and the jails will vanish and be a nightmare of the past! (Prolonged applause.)

But to talk about the responsibility of Rum is the idle chattering of children. The one great cause of crime, the one great cause since the world began is poverty, and if you want to abolish crime, abolish poverty, and until you abolish poverty you can't abolish crime! But the prohibitionist says: "All right, poverty is responsible for crime, and whisky is responsible for poverty." And there you are right where you started.

Is he any nearer right in this? Let me ask again this question. Did you ever know of any rich man who drank. It can't be, because they would get poor. (Laughter.) There are a whole lot of men who manage to consume a great deal of champagne that other people have made, that haven't yet got poor. I have no doubt that champagne is responsible for some of the poor man's poverty. But it is not the champagne that he drinks, but the champagne the other fellow drinks. It is the champagne he makes for the rich.

WHAT CAUSES POVERTY?

Does drink cause poverty? Let's see. Why does it cause poverty, and how do these gentlemen prove it? They find a poor man that drinks, and if a man drinks and is poor, then drink makes him poor. If they find a rich man in an automobile that drinks, then the drink ought to make him rich because he drinks and is rich. If you see a man who is poor, and that man's breath smells of whisky. Oh! Oh! He is poor because he drinks! All he needs to do is to close his ears to the song of the agitator and get in behind the prohibition procession, and he will get rich!

Men may make mistakes in spending their money, probably often do, they make bigger mistakes when they don't spend it—but they make some mistakes in the way they spend it. I have known men to spend money for whisky when I think they ought to have spent it for something else. I have known men to buy Merry Widow hats for their wives when I think they should have bought something else for it. Suppose the women get together to close up all the saloons, to save your money, what is the matter with the men getting together to shut up all the millinery stores to save your money? And when a man buys a great big schooner of beer for a nickel and at the same time his wife has a hat covered with feathers and woodchucks and carrots (laughter) and things that cost $20, you are poor because you bought the schooner of beer.

I have known people to be poor because they gave too much to the church. I have known people to be poor because they hired lawyers. You can get poor for any old cause; but let us look at this question—I don't want to omit anything.

A man who talks to the poor man about getting rich by not drinking beer is insulting the poor man's intelligence, and he never read or studied anything himself in his life or he would have seen it. Now the poor people we will say spend money liberally for beer. There are very few of them would spend one-tenth part of their wages for beer, but suppose they spend one-sixth or one-fifth. The food bill is a big bill and I will undertake to say, as poor as the poor man is, there isn't one of them that doesn't waste three-fourths of the money he spends for food. According to their theory, the poor man has one business, that is, to keep well and strong so he can work; that is all, that is what he is for. So far as health and strength and ability to work are concerned, you waste three-fourths of the money you spend for food. Why just

think of it! Take your stomach and load it up with pie and cake and liver and tea and coffee, and what is going to happen to you? You are shortening your life and you only eat because it tastes good going down. You don't need butter on your bread, your ancestors didn't have it, and your children won't have it either if you follow the prohibitionists in their theories. You waste money on your clothes, you don't need collars and neckties; they are purely ornamental Women don't need fur and feathers and silks. They are ornamental. You could live in a cheaper house, you could save three-fourths of your money. Now let me tell you. Suppose you cut out meat and save a half of your food bill; do any of you think you would get that money? If you do, you had better guess again.

THE QUESTION OF WAGES.

How are wages fixed? A man may pin a little oil lantern on his cap and go down a thousand feet into the earth in a cage and work all day with the rocks falling in about him, breathing miner's asthma into his lungs until he dies an early death, and he may get $1.50 a day and he may earn $10 a day, for his sacrifice of life and health and the expenditure of his strength. His wages are not fixed by what he earns. They are fixed by several great laws which govern your condition and mine. Another man may sit at his desk, he may be a lawyer; he may go to his office at ten o'clock in the morning and work two or three hours and go home and get a hundred dollars for his day's work. His wages are not fixed. Or a man may preach a sermon once a week, a short one,—possibly the shorter the better—(laughter) and he may get ten times as much as a miner. There is no way of fixing what he earns; he gets what he can. Or a man may be a stockbroker and he may make a turn in watered stock or sell something that

he doesn't own, and he may make $500,000 in a day. Just because he can! There is no law that fixes it, there is no relation between what a man earns and what he gets, no necessary relation. Wages are governed by several laws, one being the supply and demand of labor. When stock-brokers get as plentiful as miners, they can't get any more wages. When preachers and lawyers get as plentiful as miners, they can't get any more wages. I wouldn't trade jobs with you people for the same money. Of course, I know we fellows who live by our wits are very fond of telling what a hard job we have, but it is a lie. It is easier to live by your wit than by your muscle—you don't get so tired. Wages are fixed by the law of supply and demand, and fixed by another law. There is a law governing wages which says that wages tend to come down to the lowest price that will keep men alive and permit them to propagate their kind. They have to be kept alive in order to do the rich man's work, and they have to raise a family so that the rich people in the next generation can have their work done. And wages can't go beyond that point, the point that will keep men alive and permit them to propagate their race. When you say keep them alive, it means keep them alive under the conditions in life in which they live. And every effort of the working man should be,—every effort of the working men of Europe and America, to give their energy and strength and mind towards improving their conditions in life. Is there any doubt about it? Why if that isn't true, then nothing is true that your unions have taught you, nothing is true that your friends have said, nothing is true that the great political economists and philosophers who really loved the poor have ever said. Men are obliged to use every means in their power to keep up their standard of living because it is difficult to reduce wages below the standard of living. In Italy men can live on macaroni and a little wine and

do their work, and that is their standard of living, and wages hover around it, although they have wine which is cheap and plentiful, and about the only thing that tastes good to an Italian laborer that he ever sees or feels. In Russia they can live on some cheap soup; all over Europe the poor man gets along without meat. He can't afford it; he may eat tripe and entrails and stuff that the rich men throw away, but he can't eat anything the rich man wants, he has to take whatever is left, as laborers have to take what is left, and there is mighty little left.

The working men came here where there was opportunity, and here they have established a standard of living which is higher than the European or the Asiatic and they have learned to have fairly good clothes. They have learned to go to the theatres. They have learned to have meat; to have something to drink, to have some of the luxuries of living which the rich have always claimed for themselves. Now they say, you better give up some of them and save your money. If you give them up, you give them up forever, and you get nothing whatever in their place.

You know about the history of trade unionism; it has been a hard fight to improve the condition of men. This world has been taken by the strong. Way back your ancestors began your fight. The early trade unionists met in the woods, and among the rocks and waste places; they hid their records in the sand and caves; they were sent to jail if two of them came together and agreed with each other to get higher wages. They would like to do the same thing again and are doing the same thing again in free America. Step by step the unions have fought this fight. Step by step they have fought for the right to be men. They have fought for the food the rich have, they have fought for the clothing and shelter for themselves and their families, which the rich have always

taken and denied to the poor. They have died in prisons and on scaffolds, they have died in every way that the poor man might have more of the luxuries of life. The improved conditions you have to-day are not due to the prohibitionists, but are due to the silent dead, who have given their efforts and liberties and lives in your behalf.

And now you are asked to turn your backs on what they have done. You are asked to leave to your children a poorer life and a poorer heredity than your fathers have given you. You are asked to turn back to the past. If you give up your luxuries, any of them, you will be going back, backward toward the place from whence you came, and as you go you will pass the whitened bones of those heroes who have died in your behalf and who have fought for the liberties which you have given up. Do you want to do it? If so, do it. But do it with your eyes wide open. Fight for prohibition if you will but do it with your conscience; do it with your judgment; do it with your reason. The only thing for the working man to do is to keep what he has and to get more.

LABOR'S DEBT TO PROHIBITION?

Gentlemen, I admit I am somewhat impatient at this crusade. I am impatient about its hypocrisy. I am impatient on account of its selfishness; I am impatient on account of its ignorance; I am impatient on account of its prejudice. Who are these people who come to you and ask you to give up anything that has been wrung from the labor and suffering of the past? Are they your friends? Have they fought your battles when you have made your brave struggle for a chance to live? Have the prohibitionists stood at your head and fought your fights? Who are they that shutting their eyes to all the experiences of the past, never knowing your feelings, or

knowing your cause, or having sympathy for your troubles, would presume to place themselves at your head and tell you what to do. I object to a great body of men, the trade unionists of America who represent the hopes and the fears and the sufferings and the aspirations of their fellow-men, who have done more than any other class of men in America to make life better for the poor and weak, to give more comfort and happiness to mankind—I object to this great body of men being led down a blind alley by a handful of fanatics who know nothing about their cause.

I was reading a book the other day by a celebrated Russian physician, Metchnikoff, who is now the head of the Pasteur Institute in Paris. He says men ought to live to be 120 years old, if they lived right, and it is true; and he puts down food as the first cause for their not living longer. Rum was one—overwork was one; lots of them die because they work too much—not prohibitionists, working people. Food he put down first. Now it is perfectly plain if a man dies under 100 years of age and doesn't get run over by the car, or struck by lightning, he has died in his infancy.

Let me give you a few facts that I believe are so plain that even a prohibitionist could see them if he opened his eyes, which he won't. These people don't care anything at all about life. They think they do. They doubtless are honest in it, but they are so carried away with their own eloquence that they fool themselves. Do they care whether men live to be 25 or 125? Not a cent. I will prove it to you. Do you know that the life of a working man is not more than 60 per cent. as long as the life of the rich? Now, why? Is it rum or champagne? No; it is work. The whole body of men who toil are born into this world and know nothing excepting to work from morning till night. No other trade but to earn their living by their hands. They die when only a little over half their life is

lived. And we fellows who live on to be seventy or eighty, as the case may be—you know a doctor lives ten years longer than the working man; a lawyer has a better graft still and lives five or six years longer than a doctor—but the preacher beats all of them. (Laughter.) Every working man in the world has his life cut off by work. I am speaking broadly now. Of course there are exceptions to all rules, but broadly they live out from one-half to two-thirds of their lives because they work, and somebody says although you are going to live one-half your days, you must stop drinking rum for fear you will have a good time.

When did you ever hear of a prohibition convention raising its voice in protest against killing working men when their lives were only one-half done? They are too busy talking about Rum. Now let me tell you more. Do you know of all the people who are born into this world, all who come upon the earth, one-fifth or one-sixth of the human race of the whole world go out through one door, and that door isn't Rum—that door is tuberculosis. One out of every five or six, they are lessening it a little; they are lessening it not on account of the prohibitionists, but on account of the scientists—one out of every five or six die from tuberculosis and they die between twenty and thirty as a general rule, when they are of the most use to their families and their friends. They die from lack of air and food and room and opportunity to live. They die, not on account of rum, but on account of monopoly, and if one-tenth part of the energy and money and hot air that is spent on rum were spent on tuberculosis, that great scourge would have been wiped away years ago. Do these gentlemen care anything about tuberculosis patients? No. A man may be eaten alive by tuberculosis and the prohibitionist looks square in his face and says, "Oh! Rum! Rum!" Why, in our tenement districts tuberculosis goes from father to son, from mother to daughter, from sister

to brother, and in our sweat-shops and factories they die like flies, because men have monopolized the earth, and the prohibitionist looks on and shouts, "Rum!" Let me tell you more. A half-million working men were killed and maimed last year, the victims of our industrial machines. They were ground up by cars, they died in molten vats of steel and lead; they had their arms and hands cut off by machines; they fell from the tenth or fifteenth story of an iron structure, up in the air, while working to buy bread for their families. They died by every spindle and engine that makes these great industries what they are. Half a million of these lives and limbs could have been saved if man cared for life and didn't care for dollars. If they tried to make machines safe, safe to protect human life, men and women and little children, these lives would have been saved. The other day, in the State of Illinois about three hundred poor fellows went down into the earth with a torch on their head and lived a lingering death of perhaps a week or ten days, and never came up to their families and their homes. The reason was that men were more interested in making a mine profitable than in making a mine safe. (Applause.) Do you hear any of these prohibitionists sigh and do you see them shed tears and do you hear them raise their voices in agony because of a half-million poor working men ground under the wheels of industry every year to make money for men? No. They don't see the tears of the widows and they don't hear the moans of the orphans, and they don't hear the dying groans of the poor victims of our industry. They are too busy shouting, "Rum!"

I can tell you more. Do you know that in our tenement districts, in our great cities, where men and women and little children are huddled together like ants, do you know that half of the children of the poor die before they are six years old? The rich man's child will live, the poor

man's child will die. Half of them before they are six years old in our crowded tenement districts! They don't die because they drink too much rum, but because they drink too little milk! (Applause.) You must remember the rich people's work must be done. The poor die for lack of food, for lack of air and nobody cares. The prohibitionists are too busy about rum.

Do you know that the labor organizations of this country have kept their men before every legislative body in America?—they have taken their earnings and sent men to the capitals of every State and the capital of the Nation to plead for legislation that would make safety appliances for railroads and cars; that would make mines safe; that would protect life. They have been there year after year, pleading to take little children out of the mines; to take them away from the spindles and put them into the schools; to prevent women from taking the jobs from their husbands and fathers. Have you ever been to a legislative body and found a committee of prohibitionists there to help you plead your cause? Have they ever raised their voices in behalf of your lives, of your limbs, of your wives, of your children? Have they ever done anything except to shout, "Rum"? While you have been there pleading for your homes and your families and your lives, over here in the corner is raised a hoarse cry of the prohibitionists, saying: "For God's sake, don't take that! Don't give us the Employers' Liability Act! Don't give us the Safety Appliance Act! Don't do anything about mills and mines; just wait. Don't take up that. Let's first destroy rum. Join with us on a moral issue. Let us get rid of rum and then we will help you," and if you help them get rid of rum and go back you will find these gentlemen in the corner and they will say: "Not now. Let us get rid of tobacco. Let us get rid of theatres and cards and billiards

and dancing and everything else, and then we will attend to you."

THE ONLY WAY.

Now there is one rule of life. If you give men opportunity, give them food and clothing and drink and sunlight and homes, they can look after their own morals and they can't do it any other way. (Applause.) The whole theory of prohibition is wrong. If they get one thing they will want another. To-day it is rum. To-morrow it will be tobacco; next day it will be coffee. The theory is wrong; man can only progress by liberty. Is there any doubt? Look back to the origin of the human race, back to the time when man rose from the brute creation and looked the world in the face. Every step has been a struggle; he has been ruled by kings, by tyrants, by the great, by the strong. But he has slowly fought his way upward to the position he occupies to-day. Every step has been a struggle, every footprint has been marked by blood. It has been a long and painful battle that the human race has fought. Every step has been inspired by the spirit of liberty. And take the dream and ideal of freedom from the human race and slowly and painfully it will go back to the brute creation from whence it came.

The Demoralization of State Prohibition

(Extract from address by Rev. George Eliot Cooley, before the Methodist Conference at Lyndonville, Vermont, April 20, 1901.)

Good men and sincere men can and do differ honestly in respect to the results of this law. I stand unqualifiedly on the ground that temperance is a principle of life to which all individuals are amenable. . . . We are coming to see that it is impossible to bring in the kingdom of God by legislation; yet, as earnest men we are anxious to determine upon the best method of dealing with the intemperance evil. May it not be possible that, in the effort to prevent this evil of intemperance by a State prohibitory law, we are fostering greater and more insidious evils? Respect for the courts has been undermined by the wholesale disregard for law, confidence in judicial processes has been destroyed by so many miscarriages of justice, the oath has been invalidated and perjury promoted by the effort to enforce a law which many feel under no obligation to observe.

The condition of things thus brought about ought to be appalling to the teacher of morals, and the advocates of law and order. Who is not aware of the great injury done to organized society by these persistent and insidious efforts to subvert the law? It tends to make officials two-faced, legislators timid and insincere, candidates for office dissimulating, and when elected, unfaithful and hypocritical.

The effect of this law has been to rear a class of men who shamelessly pay fines and bribes and hush money in order to evade its operation, and another class which will just as shamelessly accept this corrupted money.

I take issue emphatically and sincerely with those who would maintain and enforce a State prohibitory law. Without the people behind a law, in each community where it is to be enforced, that law is impotent.

The Workings of a Dangerous Power

BY EDWARD ALLAN.

O Liberty! how many crimes are committed in thy name! Well may this exclamation of the immortal French woman be paraphrased to fit present-day conditions of "reform."

On all sides we see the many injustices and absurdities wrought by the fantastic efforts of a fanatical element of our population who are seeking their selfish ends under the subterfuge of moral betterment enforced by act of Legislature.

From many sources attention has been called to the true meaning of the present active prohibition movement which just now is giving so many evidences of having reached its apogee.

This wave will not break upon the rocks of right reason, common sense and true patriotism until its real impelling force has been laid bare to the slow and obscured vision of so many of our American voters.

If there was any one idea more deeply inrooted than another in the minds of the founders of our republic, it was that of a complete separation of church and state. To them the ideal state was one wherein all should be free to worship God accordingly to the dictates of individual con-

science and where the church should never, in letter or spirit, be permitted to dominate in the functions of government.

Accepting this primal design of church elimination from state affairs, those who followed in the footsteps of the founders of our Government have made easy the labors of the church, regardless of sect or creed by exempting church property from taxation.

It was felt that buildings devoted to the service and worship of God were sacred, and therefore immune from the burdens of government and politics in which they were to take no part.

This was a wholesome and reverential position for the state to maintain towards the churches, and in wisdom and decency the churches should have cherished this attitude of the state and for all time refrained from activities tending to change or weaken this deference. Let us see how this tender consideration by the State has been requited by certain of the sects of our day.

"Would that mine enemy might write a book," is the frequent prayer of political antagonists.

The Anti-Saloon League has been doing a good deal of writing recently, and in its fight for political bossism in State and nation is at least achieving commendable candor.

Men who write from the standpoint of commercial and economic interests and of vested rights on this topic of enforced morality by statute are, of course, branded as "minions of the rum power." Therefore in the showing we shall endeavor to make, we will present no statements of our own, but only the testimony, the printed testimony of our friends, the enemy.

We need no longer remain in doubt as to the true character and composition of the Anti-Saloon League. For they tell us authoritatively just what it is—the united church

forces in action—and how it does its work—by industrious political wire pulling.

This is not a pleasant picture of the Christian Church doing the work of its founder.

The *Annals of the American Academy of Political and Social Science* is a bi-monthly Philadelphia publication. Its number of November, 1908, is given over entirely to the question of "Regulation of the Liquor Traffic." Three of the prominent contributions in this number are from place holders in the Anti-Saloon League.

J. C. Jackson, of Columbus, O., editor of the *American Issue,* the national official organ of the Anti-Saloon League, under the title of "The Work of the Anti-Saloon League," gives the following facts concerning Ohio (page 24):

"Lack of space forbids any detailed mention of the political campaigns in which the league has engaged for the election or defeat of candidates favorable or unfavorable to temperance measures. Beginning with Ohio, with its defeat either for renomination at the conventions or at the ballot-box, of upward of one hundred legislators unfavorable to temperance measures, and its overthrow of Governor Herrick, previously elected by 113,000, by upward of 42,000, for having weakened the residence district-option law, together with a large amount of other most effective election work, a like record is measurably true of nearly every State organization of the league, according to the time it has been in operation."

Speaking of Wisconsin, he tells us:

"The league materially assisted, after a hard fight, in defeating thirty-seven legislators in 1905 who had voted against the residence district local option bill, the league measure. This measure, as a consequence, was enacted in 1907 without opposition. The league also secured the defeat of an obnoxious United States senator."

Still more interesting is the contribution of W. M.

Burke, superintendent Oakland District Anti-Saloon League of California, under the title, "The Anti-Saloon League as a Political Force."

This writer, more ingenuous than his collaborator, is very interesting in his candor. He, too, gloats over the discomfiture wrought upon the Republican party in Ohio in the Herrick-Pattison campaign. To fully illustrate the power of the league, he tells us (page 32):

"This was most clearly, and in a most spectacular manner, demonstrated in the campaign against Governor Myron T. Herrick, of Ohio. Although Governor Herrick had been elected the first time by 114,000 majority, and although he was supported by about 12,000 saloon keepers and 175 brewers and distillers of the State, in spite of the fact that President Roosevelt, of the same party, had received a majority of 255,000 in the state of Ohio, nevertheless, when Governor Herrick refused to stand by the measure which the united church forces, in the person of the Anti-Saloon League, was backing with all its strength, he was defeated by 42,000 votes."

Lack of space forbids fuller mention of the minutiae of Mr. Burke's somewhat vainglorious recital.

The two following extracts, however, speak for themselves (page 35):

"After the election the work of the league is to see to it that the measure which the united church forces wish enacted is carried through. This means constant lobbying at the Legislature. A representative of the league is found in every legislature in the country, and it is his business to watch the measure and aid its rapid movement from the time of its introduction until it finally becomes a law. This requires keen judgment, quick thinking and a knowledge of parliamentary law and of political tricks."

Again we are told:

"There are now between four and five hundred men

whose time is wholly engaged in the crystallization of this sentiment into action. They are picked from every walk in life because of their qualifications as to integrity, diplomacy and political leadership. *Let any question* have the support of the entire evangelical church; then organize this force for action; put into the field four hundred and fifty keen, bright, able men; let them draw their support from the millions who are in favor of the object proposed, and you can create and organize sentiment enough to accomplish almost *any purpose desired.* That is what is happening in the political arena to-day as against the open saloon. It is merely the united church forces in action."

Thus we have it clearly laid before us by the admission of the editor of the Anti-Saloon League's official national organ, and by the pen of one of its recognized California officials that the Anti-Saloon League is merely the "united church forces" in action and that "in action" the church forces have done and are proud of having done almost anything and everything that the average political huckster ward-worker and wire-puller is in the habit of doing to gain an end.

We are vauntingly told that the "church forces" in action have changed over one hundred members of the Ohio Legislature, defeated an obnoxious senator in Wisconsin and another in New Jersey—and is now in position to accomplish *almost any purpose desired.* The "rule or ruin" spirit displayed by the "church forces in action" as portrayed by their able champions is the significant feature which must arrest attention and excite alarm.

In defeating "obnoxious" United States senators and in changing one hundred members of a state legislature, no allusion is made to the fitness or unfitness of these men for the high places they sought. Suffice it that they were not minions of the "church forces," they were made to walk the plank.

And what have these boasted political campaigners in their various States done for religion and morality.

Are these avowed performances in line with the functions of religion? Are they in unison with the teachings of the Nazarene and his disciples? Do we find warrant for them in the gospel of His apostles? Do they savor of the things of eternity or do they reek with the slime and repellence of very mundane twentieth-century United States politics?

What appeal to the moral sense do we find in any of these vaunted feats of political legerdemain? And if the "united church forces in action" can subvert Legislatures and defeat congressional candidates, dictate legislation, and boss political parties on *one* subject, why not upon *all* questions? Why not upon currency, tariff, Chinese or Japanese immigration, union labor, railroads, pure food, foreign policy; in short, upon any question to which the alleged "united" but chiefly Methodist church forces in action choose to make the subject of their intermeddling.

In all such matters as these is the church to dominate the State and make mockery of our boasted tenets of church elimination in the affairs of Government?

For three hundred years the nations and the peoples of Europe have struggled to free themselves from this always undesirable and frequently tyrannical power in State rule.

Are we in free America to walk backward in this twentieth century of liberty and enlightenment. In no one of the so-called "priest-ridden" countries of Europe, not in Spain nor in Italy nor in Russia, would a self-constituted clericalism, acting along political and governmental lines, venture upon such antics of domination and interference as our Methodist brethren are boasting of here.

In Ohio we saw them, less than a year ago, taking physical possession of the State House on occasions of alleged committee hearings, and swarming and packing the

halls of legislation in their bull-dozing efforts to force the passage of such laws as suited their tyrannical fancy, regardless of the rights of anything or anybody, while questions of vital moment to the people of our State were ruthlessly brushed aside and denied consideration in this mad effort to assert church power and church dominance. Is it surprising that churches resorting to such methods for supremacy fail to command the respect and attract the attendance of the masses?

The "united church forces in action" in their Ohio campaign had stacked the primaries and packed both branches of the Legislature; they had footed the expense bills with money wrung from the corporations seeking legislative protection and they exacted their pound of flesh even at the bedside of a dying governor.

Backed financially and otherwise by the tribute of the "interests" conspicuously by those interests which have been, and still are, in controversy with the federal and State authorities, they rode rough-shod over all opposition to what *they* called success.

Was this success a function of religion of the kind which should entitle the "forces" to the use of tax-exempt church realty?

With pulpits turned into rostrums for the ignoring of the Word of God and the promulgation of political ends, is the beneficent exemption of church realty by the State being used or abused?

For many years some of our Methodist brethren assailed the National Congress in their efforts to have the name of God written in our National Constitution as a stepping-stone to the establishment of a national church. Every effort at this perversion of one of the essential features of that immortal instrument was uniformly thwarted by the wisdom of the Congress. But what they failed to accomplish by direct methods they are now seeking to attain by indirection. And if unchecked in their efforts

to capture the lawmaking powers of State and nation, they will finally attain their end. Do we want a national church in this country?

O Religion! how little of the spirit of the Master pervades thy halls and how little enters into the hearts of thy high priests!

The greatest of American showmen has told us that the American people like to be humbugged! Dowieism has had its day. Purley Bakerism now holds the boards, but the play is nearing the finale. "Mine enemy" has "written books" and the books are being read and slowly, very slowly, absorbed by a people who "like to be humbugged."

The end is not far off, for in the words of the greatest of our great men—"the sober second thought of the American people can always be trusted."

The promoters of the play are having troubles of their own, and the sleepers among the humbugged are awakening. The band wagon of aridity is no longer a vehicle of splendor and power, and the climbers are seeking the chariot of the rising sun—of an awakened people.

The fanaticism and bigotry and intolerance of the past ages have no place in the limelight of to-day, and those who love righteousness, liberty and human freedom and justice and truth and manhood need only to be shown a power dangerous to our free institutions to finally rise in their might and overwhelm it.

The Church's Temperance Duties

UTTERANCES OF WELL KNOWN CHURCH DIGNITARIES ON THE SUBJECT OF PROHIBITION.

Bishop Lines, of Newark, N. J., says:

"Prohibition would lead to the formation of clubs which could not be controlled, and which would be more demoralizing than saloons."

Bishop Johnson, of Texas, says:

"I would be the last to curtail or infringe upon the rights of the men engaged in the liquor traffic, for I believe that they have as much right, under the law, to sell liquor as I have to preach."

Bishop Grafton, of Wisconsin, says:

"I can not agree with those who think that the taking of wines, etc., in moderation is wrong, because the process of fermentation is one of God's creative acts, and the divine Master of the Christian religion turned water into wine."

Bishop Hoffman, of Philadelphia, says:

"You can not legislate people into being good, and prohibition does not accomplish its desired end after all, as witnessed in the State of Maine, which is anything but a closed State except in name."

Bishop Potter, says:

"Our prohibitory laws, whether we put them in operation on one day or on all days, are as stupid as they are ineffectual. Most of our methods for dealing with the drink evil in our day and generation are tainted with falsehood, dishonored by essential unreality and discredited by widespread and consistent failure."

Bishop Hall, of Vermont, says:

"Prohibition drives underground the mischief which it seeks to cure, making it more difficult to deal with the evil and impossible to regulate the trade, as, for instance, in the quality of liquor sold."

Bishop Doane, of New York, says:

"No such law can be framed that will not create a popular excitement by its alleged interference with individual liberty, and its unfair discrimination of privilege between classes, or will be used, as it has been for many years, as a means of extorting money by city officials from violators of the law to purchase immunity."

Bishop Whittaker says:

"The true meaning of the word temperance has become dwarfed and narrowed from Christian self-control to that of total abstinence from intoxicating liquors."

Bishop Gailor, of Tennessee, says:

"Such a drastic law as prohibition, imposing a special theory of morals upon a community, must become a provocation of deception and lying and disrespect for law, which are worse than intemperance. Intemperate legislation is as bad as the intemperate use of food and drink."

Bishop Fox, of Green Bay, Wis., says:

"I do not think there are five bishops in the country who are in favor of prohibition."

Bishop Clark, of Rhode Island, says:

"Prohibition has been disastrous to the cause of temperance."

Bishop Spaulding, of Peoria, Ill., says:

"There is a law of human nature that excessive pressure brought to bear on any special form of moral evil results in other evil; and now when various influences are diminishing intemperance in America, there seems to be no sufficient reason for calling upon the State to prohibit the manufacture and sale of alcoholic liquors."

Bishop Perry, of Iowa, said:

"There is just as much drunkenness under the prohibitory laws (in Iowa) as there ever was before. Prohibition does not prohibit. I have lived in five States where it failed utterly. The drug stores became the saloons. Four thousand druggists in Iowa took out Government licenses to sell whisky, and it is to be supposed that they would not pay $25 for the privilege unless they really meant to sell whisky."

Bishop Chas. D. Williams says:

"I do not believe absolute prohibition is possible."

Bishop Brown, of Arkansas, says:

"Speaking generally I have also this objection to prohibitionary movements in the interests of any form of righteousness, that is an attempt to build up the sand and a resort to the evil of tyranny that good may be accomplished. I am profoundly convinced that the superstructure which prohibitionists are seeking to erect will not stand."

Bishop Neely, of Maine, says:

"The clubs are simply coteries of young men who call themselves clubs and get together and have their bottles

in their closets. I am sure these clubs have a very bad effect, in that young men who never drank at all previously have done so in the secrecy of the club, as they call it; they would not be seen to drink over a bar, but they do it in the club rooms."

Bishop Satterlee says:

"Prohibition has been tried in other places, and it has been found wanting. In Maine, which is pointed out as the first place where prohibitory laws were enacted, prohibition is a farce."

Archbishop Messmer says:

"I do not believe that we can reform men by law. Prohibition, according to many observers, actually brings more liquor than the open sale of intoxicants under the proper police supervision."

Cardinal Gibbons says:

"I am persuaded that it is practically impossible to put prohibition into effect in any large community. Laws like prohibition that are certain to be violated had best not be made, for incessant violation draws down upon them disrespect."

Bishop Donohue, of West Virginia, says:

"I most earnestly protest against threatened prohibition legislation."

Bishop Fallows, Chicago:

"The saloon is emphatically the 'poor man's club.' It is cosmopolitan; it is instinct with the spirit of democracy. The very prompting which brings business men together in 'their Somerset club or their Union League club leads the laboring man into the clubs furnished by the saloon.'

"The saloon is the chief labor bureau in nearly every large city. The laboring man goes straight to some saloon

when he is out of employment, knowing that he is likely to find not only temporary relief but assistance in finding work."

BISHOP POTTER ON PROHIBITION.

In his address to the annual convention of his Diocese on September 24, 1902, Bishop Potter said:

"The law of the church binds upon me a duty which I feel to be a definite obligation; and in its performance I will ask your attention this morning to a charge upon the subject of temperance. I do this because I regard the church's attitude to this subject as of primary and pre-eminent importance, and because I hold that she is in the world as a guardian both of faith and of morals. I do it, also because there is, I believe, at present existing widespread misapprehension on this subject, and, what is worse, widespread apathy.

"The Christian Church has undoubtedly wasted much energy, and well-intentioned Christian people are still wasting much activity, in the pursuit of methods and maxims concerning the drink habit, which have earned for them the ridicule, if not the resentment, of reasoning and reflecting people; but those of us who judge such persons harshly are often willingly ignorant of situations and incidents which are peculiar to our modern civilization, and which have, and had, no parallel in Oriental times and customs.

"Let me make my meaning quite plain. If the dangers from drunkenness had been as great or as imminent in the tropical countries in which the first missionaries of Christianity lived and to which they wrote as they are in ours, I believe that their language would have been much plainer and stronger, though I believe that they would not have departed from the wise law by which they were governed, which did not lay down rules, but which enunciated principles. For modern life is not ancient life. The modern

strain of bread-winning is not, at any rate with us, the easy task of earlier or later tropical existence. With our conditions, in other words, have arisen a whole family of perils, of which the men and women of St. Paul's time could have little or no knowledge.

"We resent, alas, most of us to whom I speak this morning, as an intolerable impertinence a reference to these conditions, as though they were all of a nature for which we were in no wise responsible, and to which we could bring no amelioration; but, in fact, no one who is reaping the benefits of any single one of the enrichments of our twentieth-century civilization has a right to do so without asking himself the question: What are modern cheapness and invention and machinery, and all the multitude of inexpensive conveniences which make my life so different from the life of my forefathers—what are these things costing—not the employer who produces them, nor the tradesman who sells them—but the mechanic who makes them? And how can I blame him, whose task is so narrow, so confining and so monotonous, if now and then he 'evens up,' as he says and introduces a little variety into life by getting drunk.

"We have had, and still have, as I pointed out not long ago, a school of reformers, whose shibboleth is at this point a definite philosophy of responsibility, which, since then, has found its echo in denunciations and in legislation equally impotent and futile. Mr. John B. Gough was the father of this school of reformers, whose shibboleth is that the drunkard is a victim and not a transgressor; and who, in consistent forgetfulness of the apostolic maxim that 'every man shall bear his own burden' has undertaken to create for us a new earth if not a new heaven, by penalties which strike at the man who sells an intoxicant rather than at the man who buys and drinks it.

"It was not unnatural that, confronted by such questions

as these, an unreflecting public sentiment should have taken refuge in legislation which, if it refused to face the issues which it raised, brushed them aside with sweeping enactments, that at one blow proposed to destroy a traffic which it could not control. Nothing could have demonstrated more clearly the utter failure of that attempt than the hysterical and vituperative denunciations with which the disclosure of that failure has been met. In this connection the association of the principle of local politics, whether municipal or national, with that of prohibition has notes which are alike pathetic and alarming—pathetic because it reveals how weak they may be whose great place forbids that they shall speak the truth as they know it, and alarming because its discloses to us how little representative, under the dominion of this cowardice, are even the best minds among us.

"Under the system of government which boasts that it knows no privileged classes, we cater to them at every corner, and the club, the hotel, the fashionable restaurant, furnishes for a dollar what the wearer of a fustian jacket, with his five or ten cents, cannot even venture to ask for. And yet this is a system which we defend in the name of our Puritan forefathers and our primitive traditions. I often wonder, if they could come back and see our changed conditions, what they would say to it!

"You will gather from this how superficial, how utterly inhuman, inconsiderate and unreasonable I regard a great deal of that doubtless often well-intentioned zeal which seeks to make men and women virtuous and temperate by a law of indiscriminate repression. I do! I do! And if I am sent here of God for nothing else, I am sent here, men and brethren, to tell you that; and to entreat you to discern that most of our methods for dealings with the drink evil in our day and generation are tainted with falsehood, dishonored by essential unreality, and discredited by wide-

spread and consistent failure. There is a drink evil, and you and I must not ignore it! There is a task for Christian men and women just here to perform, and you and I must not shirk it. But let us begin by trying to recognize the facts, and then let us strive to deal with them in a way worthy of their portentous significance.

"It is in vain that philanthropy—or, at any rate, philanthropy as feeble, as intermittent and as unintelligent as is much of that which has, thus far, grappled with the drink problem—attempts such measures of reform as simply emphasize the evils which they seek to fight. Two or three facts must be plainly recognized and candidly dealt with before we can even make a beginning. One of these consists in a clear discrimination between conditions. For example, one kind of man goes to a saloon to get an intoxicant, and for no other reason. Another goes there for any one of half-dozen purposes, refreshment, amusement, companionship, information, physical easement, business appointment, or mere change; for which last, you, my brother, go next door, or to the club, and which all sensible people regard as wholly innocent."

Message of Governor Malcolm R. Patterson

To the 56th General Assembly of Tennessee on the Liquor Question

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To the Honorable Members of the Senate and House of Representatives—

As governor, I transmit the following message for your consideration on the liquor question:

Prohibition is fundamentally and profoundly wrong as a governmental policy, and in a country where the largest measure of freedom of action is accorded the individual it becomes intolerable.

For a State, through its lawmaking power, to attempt to control what the people shall eat and drink and wear, except to see that they are protected from imposition, is tyranny, and not liberty.

No State has yet attempted to forbid what a man should eat, but pure-food laws are necessary to see that what he eats is not adulterated or misbranded, and that he obtains what he wants without substitution or deceit by the dishonest manufacturer or dealer.

No State has yet attempted by law to prescribe the manner of dress for the people, but it would be competent for the State to provide by law that the goods should be properly marked, so as to prevent imposition.

No State has attempted to force the people not to use certain kinds of medicines or to use certain others, but it can and ought to have all medicines properly labeled so as to prevent fraud.

All such meddling and vexatious laws ceased in England with the growth of constitutional government, and when the rights of man were firmly established upon the basis of individual liberty and conscience.

They passed in our country when intolerance and early fanaticism gave way to advancing religious freedom, and the Constitution of our own country was framed for a self-governing people, who reserved to themselves and guaranteed with one another the rights and privileges of freemen.

But the attempt has been made by prohibitory laws relating to drink to forbid the manufacture or sale of liquor.

The claim is made that the use of liquor produces drunkenness, vice, and crime, and that public morals, the welfare of the individual and of the State, would be best conserved by its total abolition.

It is also said that because of the appalling consequences which often follow the intemperate use of liquor, that legislation on this subject is to be differentiated from legislation on the other subjects, and is not only justifiable, but desirable and necessary.

While having great respect for this opinion shared by so many of our people, I am still convinced that any attempt by legislation to abolish the manufacture and sale of liquor is abortive, in that it does not accomplish the result hoped for, and, again, that it violates the plainest and most obvious rule of individual action and personal freedom.

If we can legislate against the manufacture and sale of liquor because it often produces crime and frequently becomes hurtful to the individual and society, can we not also legislate against the manufacture and sale of tobacco

or poisonous drugs? And if we begin such legislation, where is it to end?

Shall we prohibit the manufacture and sale of liquor to all the people because some, by reason of intemperate use, ruin themselves?

Shall we so legislate that a man who uses it moderately and without injury to himself and others shall be wholly deprived of its use because another uses it immoderately?

Shall the sick not use it, if the physician prescribes it, because some who are well will abuse it?

Shall its manufacture and sale be wholly forbidden by law without regard to its proper use or abuse?

To do so is both unwise and destructive.

The use or non-use of liquor should be left to the individual.

In my conception of popular government and the relation of the individual to society, it is just as much an invasion of personal liberty to attempt by law to forbid its use as it is by law to forbid the use of anything else.

Character in the individual is not made by prohibition or the withdrawing of temptation, but by resistance to temptation. The scheme of God in the redemption of man has not been to take from him temptation, but to leave him free to resist; and as he resists, so will be his reward.

Shall we destroy property to make men honest?

Shall we abolish the manufacture of gunpowder because men sometimes use it to murder their fellow-men?

Can we make men virtuous by law, or is it only through education, Christian influence, and the growth of intelligence, consciousness, and responsibility in man himself?

The answer is but one, and that is that man must work out his own destiny under human law, as he must his own salvation under divine law.

The commandments of God forbid the doing of certain

things, but his creatures have the election to keep or break these commandments.

Reward comes to those who observe them and punishment to those who do not.

In the scheme of human government, man may make laws which forbid, and he may be punished if he breaks those laws; but to remove temptation by law, or to make men good by law, is an assumption of authority as unjustified by reason as it is useless in practice.

LEGISLATION BY STATES.

In enacting laws by the State for the suppression of the liquor traffic, certain things must be kept in mind in order to know how far such laws may be effective.

There are a large number of good people who are not informed on the subject, who suppose that if this State should pass a prohibition law, this would of itself stop the use of liquor; and if this class were always treated fairly by those who, for personal or political reasons, use their ignorance and intense devotion to a cause for selfish ends, then the question could and would be solved as becomes rational men controlled by reason and patriotism rather than by hysteria and blind malignant partisanship.

The State is one of a number of States, and not one can legislate contrary to the Constitution of the United States or the interpretation which the courts have made of that instrument.

The State can by law forbid the manufacture and sale of liquor within her borders, but the State can not prevent its manufacture or sale in any other State, nor can it prevent the shipment of liquor in unlimited quantities from any other State into the State of Tennessee.

Under the interestate commerce clause of the Constitution of the United States and its interpretation by the

courts, liquor is recognized as a commodity of trade, just as flour, clothing, shoes, or any other article.

The State is as powerless to prevent shipments of liquor to the people of Tennessee as it is to prevent the shipment of any other commodity which may enter into interstate trade.

It follows, therefore, that until the United States Government itself forbids the manufacture and sale of liquor, or refuses to allow its shipment to a State, it is not possible to have a prohibition law. Those who claim the contrary either do not know better, or, knowing better, deceive the people.

Under the conditions I have just named, it is a misnomer to call a law passed by the State seeking to abolish the manufacture and sale of liquor a prohibition law. The only law the State could enact which could properly be called a prohibition law or that could possibly reach the end said to be desired—namely, to prevent the use of liquor—would be one which would make the use a crime.

If such a law should be proposed, however absurd it might be, it would bring the question up directly to the people; and it would then be seen how much of sincerity or hypocrisy was behind a movement which proposed to abolish the manufacture and sale of liquor in our own State, while the people are left free to get all they want and drink as much as they please from other States.

I would no more recommend the passage of a law to make it a crime for a man to use liquor than I would recommend the passage of a law to abolish its manufacture and sale. Both are absurd; but of the two, the first would be more sincere and probably more effective in preventing the consumption of liquor.

A law to prevent the manufacture and sale of liquor in the State can have only one effect, and that would be to send from Tennessee to other States all the money the

people now spend for liquor, and would in no wise prevent the use of liquor, which is the end desired by such a law, or it has no legitimate purpose at all.

MANUFACTURE AND SALE.

Aside from the reasons I have heretofore presented why an Act to prevent the manufacture and sale of liquor should not be passed, there are other considerations which involve the attitude of the State toward her citizens who are engaged in this business.

The manufacturers of beer and liquor have invested large sums of money at the invitation of the State, and pay the taxes required by her laws.

An Act to destroy the value of their plants would be confiscation and without compensation of any sort.

If an individual should apply a torch and burn property to the ground, he could be held responsible both civilly and criminally for his act.

If the State applies the torch of statutory confiscation, there is no remedy, for the State is sovereign and has the power to destroy.

But with the power and with no redress by the individual, should not the State be slow to apply the torch? And if it does in the exercise of its sovereignty, should it not compensate the citizen for his loss?

In my opinion, no State should exercise the power to deprive the citizen of the use of his property, or to destroy a business it has made legitimate, without just and reasonable compensation; and the fact that the State has the power can not and ought not to change the attitude of the sovereignty from the protector to the punisher of its people.

OPEN SALOONS OR ILLICIT SELLERS.

It is often intolerantly urged that all who are opposed to "State-wide" prohibition, so-called, are in league with

the saloon and the abuses which are often connected therewith.

It is just as fair to charge all who are in favor of prohibition to be in favor of the secret dive or the bootlegger who plies his trade in unfrequented places; for when the legal saloons are gone, the illegal sellers begin.

The theory upon which the legal sale of liquor is to be forbidden by law is based upon the false premise that the sale of liquor can be abolished by law. The very opposite is true, as is invariably shown by the States where prohibition prevails and even in localities where it prevails by consent of the people.

Maine has had a prohibition law for over fifty years, and is notoriously filled with both open and secret violations of law.

The same is true of Alabama and Georgia and of every State where prohibition prevails.

If reason and experience are worth anything in dealing with the liquor question, we can assume the very opposite for which the average prohibitionist contends, and that is that the abolishment of the sale of liquor by law is an impossibility—an empty dream.

Like the social evil, which exists in spite of stringent laws to eradicate it, so will the selling of liquor go on in spite of prohibition laws.

With the knowledge that liquor can be bought and shipped from other States, that it will be drank and sold illegally, the question which ought to occur to the wise and conservative legislator, and the only one which should practically concern him, is whether it is better to have it sold openly or secretly; to have it under the control and sanction of the law, or whether it should be outlawed to live and thrive beyond control.

In my opinion, the choice which is logically and inevi-

tably presented is between regulation and control by law of the liquor traffic and secret or open violation of the law.

It is the choice between openness and evasion, between fairness and hypocrisy, between real temperance and its counterfeit.

Any law that will not be respected and can not be enforced ought not to be placed upon the statute books.

A law that will brew lying and deceit in the people is not a temperance measure, but an intemperance measure.

A man who buys liquor in a public place recognized by law may be doing himself and family an injustice; but if he obtains it in the illegal club, or from the express agent under a fictitious name, or from the bootlegger, he certainly does the same amount of damage, and has the added load to bear that he has been a partner in deceit and the law's evasion.

Convinced as I have always been, and now more than ever, that prohibition laws are a failure and breed more evil than they cure, and firm in the belief that regulation and control is the very best solution of a difficult problem, I am at the same time not unmindful of the fact that some dealers in liquor have defied and broken the laws, and that both State and municipal authorities have been too lax in the enforcement of existing laws, that there has not been enough vigorous treatment of the situation in the past to limit the number of liquor dealers or to compel obedience to the law.

I am also not unmindful of the fact that there are at this time fewer saloons in Tennessee than in the last twenty-five years, and those that remain are more under the control of the law than they have ever been, and that there is less real ground of complaint against them than ever in the State's history.

Men who a few years before were denouncing prohibition at a time when there were saloons in every town of the State, openly and flagrantly violating the law, are now

loudest in their denunciation of the liquor traffic, when its influence in politics is at a minimum and when from every county but four the open saloon has been banished.

Just why this reversal of opinion has come is not for me to inform the Legislature, but such is the fact, if the information shall prove of value.

I recommend that no general prohibition law be passed abolishing the manufacture and sale of liquor, believing, as I have always done and for the reasons stated, that such a law will prove a failure and be a detriment to the State.

I do recommend, however, high license, strict regulation, and forfeiture of license for violations of law.

In my opinion, if these recommendations were carried into law, the liquor question would be at rest in our State, and the people as a whole would approve your course.

As genuine temperance measures and real reforms, they are infinitely to be preferred to ill-considered and drastic legislation which provokes intemperance under the guise of prohibition.

LEGISLATION IN TENNESSEE—LOCAL CONSENT.

Beginning with the four-mile law passed in 1877, temperance legislation advanced, until this law was successively applied to towns of two thousand population and under, and to towns of five thousand and under in 1903.

Under these Acts the charters of towns were surrendered so that the four-mile law would become effective; and, without exception, the surrender was with local consent, expressed either by direct vote of the people or through the representatives of the people..

In no single instance was a charter abolished without consent.

In 1907 the four-mile law, by what is known as the Pendleton bill, was extended to the entire State.

Under this law Knoxville, Bristol, Jackson, Columbia, and several other towns, surrendered their charters.

At this time there are only four places in Tennessee where liquor is legally sold—to-wit, Lafollette, Chattanooga, Nashville and Memphis.

At the last session I disapproved a bill to abolish the charter of Lafollette because, on a vote of the people, a very large majority were in favor of retaining the charter.

A segregation law was passed for Nashville and an excise law for Chattanooga, with the consent of the people of those cities expressed by their representatives.

It is now proposed to apply the four-mile law to the four places named, against the wishes of their representatives, without giving the people an opportunity to vote on the question and against their consent.

It will be seen that what is now attempted constitutes a complete reversal of the rule heretofore applied, to allow the people of each community to settle this question for themselves, and makes an exception of these four places by forcing upon them a law they do not want.

My own position has always been that to force a prohibition law upon the people without their consent is wholly wrong. This has been the position of the people of the State as expressed by their votes; it has been the principle upon which Legislatures have heretofore acted; it is the principle of the Democratic party.

In this connection it may shed some light if we consider the attendant circumstances under which the Pendleton bill was passed and signed.

The chief argument used by the advocates of that measure was that the passage of the law would take the liquor question out of politics; and the assurance was given to me, as governor, that this bill would end it for all time. Acting in good faith and without the slightest idea that the question would arise in the form of arbitrary prohibition,

I signed the Pendleton bill, and it became a law, though I thought it was opposed to the letter of the platform upon which I had been elected.

The majority of the people of Tennessee are not demanding a State-wide prohibition law.

There are thousands of temperance men in Tennessee, Republicans and Democrats, who are vastly more temperate, both in their speech and habits, than some of the professional agitators of the question, who believe that the cause of temperance is best subserved by fair dealing and under the rule of consent rather than by chicanery and under the rule of force.

I call your attention to the vote of the people on this question in 1906.

In that year the Democratic platform declared for local option and the Republican party for State-wide prohibition, and the nominee of the Democratic party was elected by about 18,000 majority.

Again in 1908 the Democratic party re-enacted a local self-government plank and the Republican party again declared for State-wide prohibition, and the Democratic nominee was elected by about 20,000 majority.

As the governor nominated by Democrats, I call the especial attention of Democratic legislators to the fact that the direct question of local option or State-wide prohibition, as a party policy, was discussed within the Democratic party last summer, and the issue was decided by a substantial and decisive majority in favor of local self-government on the liquor question. A platform was adopted by the party favoring this principle; and while it is not my purpose to remind Democrats of their duty, I may well inquire: What faith shall the people place in our pledges if we are to adopt the Republican platform and abandon our own?

If Democrats should say they are bound by the instruc-

tions of their immediate constituents, then I may further inquire. Why is there necessity for a platform at all? Why go through the empty form of stating principles for party guidance? And if the State platform made it for any other reason not considered binding, why should a local instruction upon a proposition that affects other localities alone be binding?

If the question should be treated irrespective of platform, then is the voice of the majority of the people of Tennessee, twice expressed, binding?

If the question of platform and the will of the people are both to be ignored and the moral side of the question is alone to be considered then I can, with confidence, urge upon the members not to pass a prohibition law as an act of reprisal or with unseemly haste, but only after full, careful, and mature deliberation, weighing with impartiality all reasons that may be advanced for and against the proposition.

If your action shall be to destroy property of millions in value, is it not right to proceed with caution before this is done? If it shall deprive many persons of a livelihood, should you not pause to be sure you are right?

If it should force upon an unwilling people a law which will not be respected and itself provoke immorality, is it not your duty not to pass it?

I do not wish to and do not question the motives of members, for I presume your motives are proper, and that you wish not to be responsible for bad legislation, and I trust you may assume that in thus addressing you I am actuated by a similar desire.

My right to recommend and to give the reasons therefor is as distinct as yours to enact legislation, and my earnest desire is to act in harmony with you so far as my sense of obligation to the office I hold will permit.

If we can not agree upon this question, I hope we may

upon many others which will benefit the State; and I can assure you of my co-operation in these, so far as the power of a governor may go.

MORAL SIDE OF PROHIBITION.

There is a moral side to temperance, for we are commanded to be temperate in all things, and temperance in thought and speech is to be commended equally as much as temperance in drink; for often, indeed, intemperance in thought and speech work more harm than intemperance in drink.

After Jesus had heard the Pharisees, as recorded by St. Matthew in the 15th chapter, 11th verse, He thus addressed the multitude:

"Not that which goeth into the mouth defileth a man, but that which cometh out of the mouth, this defileth a man."

There is nothing in divine law which makes prohibition itself a moral issue, and there is no such general sentiment among Christian mankind as to justify such characterization.

England has been a nation for centuries, and has sown the seeds of civilization over the habitable globe. She has given churchmen, poets, philosophers, and warriors, whose names and fame are as wide as the world; but prohibition has never been accepted in England as a moral issue, or even a desirable thing from an economic standpoint.

Neither France, Germany, nor any of the older nations, have thought it was; nor has the United States as a Government treated prohibition as a moral issue.

Indeed, its policy has been the reverse; for it not only recognizes the right of the people to make and use liquor, but Congress has refused repeatedly to enact a law to prevent the shipment of liquor from other States into prohibition States.

In the very large majority of the States of the Union there is no considerable sentiment for prohibition; and if we compare the moral tone of the people, their intelligence and wealth, in the States where prohibition does not prevail with the few States where it does, I think a fair and accurate observer would be bound to conclude that prohibition neither elevates morally, materially, nor intellectually.

How can it be said to be a moral question in Tennessee and not in Indiana? But in Indiana the fight against the saloon is for local option, and local option is called a "moral issue" there.

In other States the same fight is made, and it assumes different forms in others; so the liquor question has as many so-called "moral sides" as it has different phases of treatment by different men.

Why did Democrats and Republicans who believe that prohibition is a moral issue above party ties and platforms not vote for the prohibition candidate for President, instead of Bryan and Taft, who are both pronounced local optionists.

Can it ever be made a moral issue in Tennessee if the right which has been accorded all other towns in the State is denied to Nashville, Chattanooga, and Memphis?

In all fairness, can not it better be called a personal and political question in Tennessee rather than a moral one?

Let us now compare cities that are under prohibition laws, with the consent of the people, with those where liquor is still legally sold; and if the comparison should not show a distinct advantage for such cities as have consented to pass under such laws, then the argument in favor of prohibition for cities who do not consent to the law is sheer nonsense.

Let the comparison be made between Knoxville and

Chattanooga. Who will say that conditions in Knoxville are better than in Chattanooga?

Are the people happier or better in Knoxville than in Chattanooga? Is there more employment for labor, and is it paid better wages? Are rents higher? Is there more building? Are more houses tenanted in Knoxville than in Chattanooga?

Is not the only difference so far as liquor is concerned that it can be obtained in Chattanooga legally and openly and can be obtained illegally and surreptitiously in Knoxville? The prohibition law to which Knoxville consented is not observed, while the laws are observed in Chattanooga.

If the law will not be observed where the people consent, how can we expect it to be observed where they do not consent.

In Chattanooga the testimony is that the open saloons, under a wise excise law, close at 10 o'clock at night, are never open on Sunday, and the people do not want a change.

Compare Nashville with any city of its size in the country, and there is not one that has less trouble with the liquor question, not one that has a more moral or law-abiding people; and I believe it would be entirely safe to say there is less crime in Nashville with the legal saloon and less liquor drank and sold than in either Birmingham, Ala., or Atlanta, Ga., under prohibition laws.

The city of Memphis contains a population conservatively estimated at 150,000, and the sentiment of her people is practically unanimous against prohibition. It is not confined to one class, but embraces all classes.

Memphis is situated on the Mississippi River, a great interstate artery, and boats from North and South discharge their cargoes at her wharves.

The State has not the power to prevent the carrying and landing by these boats of liquor, for this trade would

come under the protection of the interstate commerce clause of the Constitution.

Twelve lines of railroad radiate from Memphis to all points of the compass and shipments of liquor on any of these roads would be similarly protected. Therefore, with unlimited means for obtaining liquor and with the sentiment of the people opposed to prohibition law, what would be the result? An inevitable reign of lawlessness, an outraged citizenship, and confusion worse confounded.

What would be true in Memphis in a corresponding degree would be true in Nashville and Chattanooga.

So it is that when the Democratic party declared that these communities should have the right to decide for themselves whether or not liquor should be sold, it recognized the right heretofore enjoyed by other communities; and its position was fair, wise, and temperate.

To follow this declaration is the best solution of the question; to abandon it is the worst.

But if it is said that the selling of liquor in these cities injures the rest of the State, then it is not true that the rest of the State can get the same amount of liquor out of the State as within? And is it not true that this is now actually the case?

To force a prohibition law upon these cities can not be justified upon any ground recognizable by justice or morals.

It will breed crime instead of preventing it; it will weaken the faith of the people in law and constituted authority instead of strengthening it.

It will impair the revenues of the State, which we can ill afford to lose, and increase taxation without corresponding benefits.

It will foment discord in an already disordered State.

It will substitute the counterfeit for the genuine, and deteriorate the standard of truth and honor.

Since the day the principle of self-government was suc-

cessfully asserted, our race has never been, and never will be, governed by a law to which they have not consented. It is inherent in our traditions, in our blood and institutions, that any legislation which runs counter to it will prove a curse, and not a blessing.

The very discussion of the prohibition question in our State has provoked angry and passionate utterance.

Men high in authority, whose office, if not their persons, should have been respected, have been calumniated and slandered, sometimes ignorantly and often willfully.

We have witnessed the distressing spectacle of good women and little children arrayed in behalf of a cause of which they know nothing, no matter how good their intentions may be.

We have seen ministers, whose calling we reverence and to whom the people have the right to turn for guidance and consolation in spiritual matters, descend from their high estates to make political platforms of their pulpits and in the name of temperance utter intemperate and inflammatory speech.

We have had the new and strange test applied to character by the self-constituted righteous, who would pronounce it good or bad according as its possessor was for or against prohibition.

We have seen men who have assumed the outward semblance of prohibition, and who never practiced it, side by side with some religionists who wear vestments of Christ, but have never known the spiritual in His teachings, who have never applied to others the Golden Rule, and who are strangers to charity in its highest and purest sense.

We have seen others who were yesterday seemingly unalterably opposed to prohibition, and to-day are among its most ardent advocates.

Then, too, on the other hand, we have heard intolerant speech applied to all ministers because a few have prosti-

tuted their sacred calling, railing at religion because some of its professors are hypocrites, and designating all prohibitionists as fanatics because some of them are notoriously intolerant and offensively ostentatious in their assumption of virtue.

If all of this has come from a discussion of prohibition, what shall result if it should become a law without the consent of the people?

In view of these conditions and the far-reaching consequences of an Act you may pass, I again urge upon your Honorable Bodies that you proceed with deliberation and caution, and with due regard to the welfare of the State.

The sincere prohibitionist (and there are many) will not urge the hasty and unseemly passage of a law which he thinks is right, but in which he may be mistaken.

I feel that the people have expressed their opposition to a prohibition bill, and that the Democratic platform, favoring local self-government is binding upon Democrats, and should be persuasive with Republicans because the people have indorsed it. I, therefore, recommend that no bill or bills be passed prohibiting the manufacture and sale of liquor in Tennessee.

I do recommend that a law be passed giving to the people of Lafollette, Chattanooga, Nashville and Memphis the right and opportunity to declare for themselves whether they want liquor made and sold in their communities; and if they do, to pass a law to prohibit it; and if they do not, to respect their wishes.

In thus laying before you without reserve and with elaboration my views as governor of Tennessee, I have felt responsible to the Democratic party, which has honored and trusted me, and to my oath of office.

It has not been done in anger or in a spirit of intolerance, for I have always been willing to accord to others what I claim for myself; and if I can help to bring a

measure of good to Tennessee and peace to her people, I shall feel repaid for all the vexations of office and all the pain inflicted by inconsiderate men.

I pray God to give me opportunity and strength to help Tennessee; but whether this should be given or withheld, I have still the consciousness and consolation that I have been true to my people, and, beyond all, to myself.

I have never faltered or wavered from the time I first came before the people in my fixed belief that prohibition was essentially wrong without the consent of the people; and now, after a service of two years as governor and with full opportunity to know and to speak with intelligence, I warn you against the evils which will follow the passage of a compulsory prohibition bill.

An obnoxious, undesirable, and punitive law will bring forth an ugly brood, and nothing good or true or lasting can come of it.

Whatever you may do, I can not question your power, and the sole responsibility is yours; but from me, as governor, you have a message of truth, and my duty is done.

MALCOLM R. PATTERSON,
Governor of the State of Tennessee.

January 11, 1909.

Governor Patterson's Veto

Of the State-Wide Prohibition Bill of Tennessee

"*To the Honorable Members of the Senate*—Under the Constitution of the United States the power of veto is bestowed upon the President, and in most of the States, including Tennessee, it is bestowed upon the governor.

"The prerogative is of ancient origin, and in our country it has sometimes been said that its proper use was to prevent legislative encroachment upon the rights of the executive; but this view was only partial, and the power has been given a much wider range and meaning.

"Hamilton said of the veto of the President: 'It not only serves as a shield to the Executive, but it furnishes an additional security against the enactment of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy or of any impulse unfriendly to the public good which may happen to influence a majority of that body.'

"In his fourth message to Congress, President Polk, in discussing the power, used this language: 'It is not alone hasty and inconsiderate legislation that he is required to check, but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the Constitution or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them.'

"The quaint but thoroughly sensible comment of Benjamin Franklin on the necessity of the veto was: 'A single man may be afraid or ashamed of doing injustice. A body is never either one or the other of it is strong enough.' "

ATTITUDE TOWARD BILL.

"In a message heretofore transmitted I urged against the passage of a law that would deprive the people of the communities where liquor is now sold, of the right to settle this question for themselves.

I pointed out that it was a right heretofore enjoyed by other communities, gave reasons why it was neither just nor expedient to make exception, and urged that the only fair and legitimate way to deal with them was in accordance with established precedent and under the principle of local self-government as declared by the Democratic party.

"I recommended that a law be passed giving the people an opportunity to express their wishes, and stood pledged and would have approved any legislation which would have carried their will into effect.

"But the measure presented for my approval not only denies these communities a right to be heard, but arbitrarily forces upon them a law which they do not want and to which they will never willingly consent.

"Where can the justification be found for thus disregarding inherent and acknowledged rights which have heretofore been held sacred and inviolate?

AGAINST WILL OF PEOPLE.

"Does it not set up the despotism of a legislative majority against the will of the people?

"Is it the impartial result of calm, intelligent reflection, or was it conceived in haste and born in an atmosphere so charged with excitement and passion as precluded reason and deliberation?

"Would you have passed this measure if you had been left free to exercise your function as legislators without other thought than that of the public good, without other influences save those which should surround a public servant in the performance of a public act?

"Would those who voted for this bill to become a law have done so if any right of their own locality was involved?

"Would they not resent interference by other members if conditions were reversed and bitterly assail the tyrannical exercise of a power which would deprive the people of their own communities of a voice in their own affairs.

"Convinced as I am that your action is unfair and precipitate, harmful to the State and destructive of the principal of local self-government, I shall ask a reconsideration with the hope that you may agree with me, and if you do not with the knowledge that I have exhausted all my constitutional power to prevent unwise and undemocratic legislation.

"I, therefore, return Senate Bill No. 1 with my disapproval and assign the reasons which follow:

REASONS FOR VETO.

"1. As Democratic governor I feel it a duty and a sacred obligation to sustain the platform of the Democratic party which distinctly states the doctrine of local self-government, and this measure directly opposes, defies, and destroys it.

"2. As the governor of all the people, holding my mission from the majority, I protest in their name against an act which will set aside and hold for naught their recorded will.

"3. I veto this bill because experience has taught the lesson, without a single exception, that no arbitrary prohibition law was ever obeyed, and that its enaction brings no settlement of the question, but rather leaves it like a burr on the body politic to irritate and inflame.

"Such has been the case in Maine, where after a test of more than fifty years under a prohibition law, notoriously evaded and defied for all that time, it still remains an active political question to vex and harass the people.

"In Kansas, Georgia, Alabama and Mississippi we are to-day witnessing the same disastrous and distressing results, and there is nothing in the situation in Tennessee which will lead us to hope that condition will be different.

"4. I will not approve a law, by whatever name it may be called, or whatever mistaken notions of morality may have influenced it, which will destroy property, reduce the revenue of the State, increase taxation, take the money of our people and send it abroad, foment discord instead of promoting peace, and impair the dignity of the Commonwealth.

WILL FOSTER HYPOCRISY.

"5. In the name of temperance I refuse assent to an intemperate measure which will cause more evils than it pretends to cure, and in the name of morality I will not sanction a law that will foster hypocrisy and invite evasion and deceit in the people.

"6. For the manhood of Tennessee, proven on every field of war, and exemplified in all her glorious history of peace, I do not approve a legislative guardianship which would make weaklings of her men instead of leaving them unhampered and unfettered by onerous and sumptuary laws interfering with their personal rights and privileges.

"7. For the youth who will bear our burdens when we are gone, whose bodies, minds and souls should be robust with the hardy virtues of the race from which they sprung, I would forbid a law which would teach and set before them daily lessons of duplicity and evasion.

"8. In the name of our women, whose true and heavenly mission is to bless the home and teach honor, courage and

truth to their children, who are the strength, the inspiration, and the saving grace of man, I condemn any measure which will bring even a part of them into the heated and poisoned atmosphere of political strife.

RIGOROUS ENFORCEMENT.

"Vicious and undemocratic as I believe this measure to be, forced upon communities without their consent, it will be my duty as governor to try to enforce it, and no man who breaks it need expect from me any different treatment than will be accorded other violators, but, before you make it the law over my veto, you shall not in the name of morality commit an immoral act, and in the name of the public welfare commit this political crime without hearing through me the voice of an indignant, protesting, and outraged people.

"In the name of the South, and as governor of a State which is one of its ancient, most conservative and illustrious members, I may not be able to avert, but I can, and do sound the signal of danger this new and strange spirit of radicalism which seems now to possess us, the present bane of our civilization, the future peril of our land. Our fathers fought as no soldiers did since war among the human race began, suffered as none others have suffered, died as none others have died since the annals of men were first recorded. It was not for conquest, pelf or power, not to force their views or institutions upon others, but for the holy purpose of preserving the rights of their States, and that sacred principle of self-government dear to every Southern heart, sprinkled with Southern tears and baptized in the purest Southern blood.

"It has been their pride and boast that, while they lost on the field of force, they won on the field of honor and saved the treasure from all the dangers and perils which beset them, and left it a heritage to their children above

price, secure in possession, separate and apart from all that could tempt or betray.

"Shall we, who have this trust to guard and keep, yield it now at the first wave of passion, at the first assault of power?

TAWDRY FANATICISM.

"Our fathers did not learn the canting phrase, they were strangers to cheap and tawdry fanaticism; they would have resented with armed force an attempt to interfere with their rights, except with their own consent.

"They made the South strong and great above the rest, for they were great and strong above the rest in all the graces that adorn mankind.

"They had their ideals, and these were high and true and pure.

"Around the home the men of the South drew the circle of their love and courage, where none dared intrude to ruin or mar. In that domain woman was the jewel, the ornament, the guiding hand, the sweet pervading influence.

"Honor lived in the elder days guarded with such jealous care that men were loath to scathe it, and truth was loved which made men fear to lie.

"These men and women who made the South immortal needed no law to make them great and good, for they held the title by right of sovereign manhood and spotless womanhood. If their children are true to them, they will stand as they stood, do as they would have done. Respectfully submitted, MALCOLM R. PATTERSON,

Governor of the State of Tennessee.

"January 19, 1909."

Governor Patterson's Veto of the Manufacturers' Bill

"*To the Honorable Members of the Senate*—I return Senate Bill No. 11, entitled, 'An act to prohibit the manufacture in this State of intoxicating liquors for the purpose of sale,' with my disapproval.

"Every law should be founded upon some reason which will be accepted by persons of ordinary intelligence as valid and sufficient for its adoption.

"If any measure proposed can accomplish no good, either affirmatively or negatively, it should be placed in the category of useless legislation, and therefore to be discarded as unworthy the attention of a lawmaking body.

"Let us apply this elementary test to the bill under consideration.

"In forbidding the manufacture in this State of liquor, I assume the legislative intent is to prevent its use by the people of Tennessee.

"This may be recognized as proper and desirable, but if the people of Tennessee can obtain from the manufacturers and dealers of other States all the liquor they want, and the State can not affect that right by any law it may pass, then it is at once apparent that this measure will fail in its purpose.

"As pointed out in a message heretofore transmitted to the General Assembly, liquor is a subject of interstate commerce, and the Legislature is without power to prevent its

shipment from other States, in any quantities that may be desired, to the people of Tennessee.

"If, in addition, it is true that liquor can not under the law be bought at all in Tennessee, then the manufacture of it in this State to be sold in other States can have no possible legal relation to its sale or consumption in Tennessee and this bill becomes a mere legislative vagary.

"Every dollar hereafter spent for it is to be withdrawn from our own people and from circulation in our own State.

"We have a population of upwards of 2,500,000, and the vast majority of these constitute the households of the cities and country districts.

"Of all the number of households there are comparatively few who do not in some form use liquor, and its use is often proper and without criticism of any sort, involving no moral or physical delinquency.

"It is a matter of common knowledge that physicians often prescribe it for the old, to those who have received wounds or met with accidents, to the sick and convalescents from disease and that wine, ale and beer have their recognized and legitimate uses together dissociated from intemperance.

"I assert that to arrange our laws so that all the liquor used in Tennessee must be bought in other States and made in other States, and exclude our people from the right to buy it at home and make it at home, is such conscious or unconscious folly as no lawmaking body should want to be responsible for, and no governor could be expected to approve.

"The right to sell has already been declared to be illegal and this measure now prohibits the manufacture of spiritous, vinous and malt liquors, and, should it become a law, the distillers, brewers and makers of wine, must either quit

their business or subject themselves to heavy fines and penalties prescribed for violation of this act.

WILL EVADE THE LAW.

"Those who are honest and desirable as citizens will obey, and those who are dishonest and undesirable will infract and evade the law.

"If liquor can not be sold in this State, why interdict its manufacture? Why destroy property of great value?

"If the answer is that liquor made in Tennessee can be more readily obtained by our people, this supposes that the law against its sale will be violated and is an admission that the legislation forbidding its sale without the consent of the people was ill-advised and will prove ineffective.

"If it is said that we must protect the people of other States from liquor, wine and beer made in Tennessee, and this is the intent of the Legislature, then if this purpose should be expressed in the title or body of the act, you would be without power to pass such a law, as it would be plainly unconstitutional, for you must legislate for the people of Tennessee and these alone.

"With a law already enacted forbidding the sale in this State, and without power to legislate for the people of other States, what, may I ask again, can be the reason or policy for this wanton and destructive act, which strikes down and gives nothing in return?

"The distillers and brewers of the State have been invited and encouraged to invest their capital in manufacturing plants and have done so in good faith under the protection of our laws. They have rights which should be protected, they have property which should not be destroyed.

"In the cities of Knoxville, Chattanooga, Nashville, and Memphis, the establishment of breweries was encouraged by the commercial bodies, the people considered them as

valuable acquisitions which increased values, gave employment to labor and added to business activities.

"The State itself has treated them, and the distillers, as other manufacturers and merchants, taxing them on their property and for their privileges, and has employed the revenue thus raised for the purposes of Government.

NO COMPENSATION.

"It proposes now to treat this class of her citizens as unworthy, to destroy their business without compensation, to deprive a portion of her laboring men of their livelihood, and to bring want to many families.

"If this is right, then the people made a mistake in electing me governor, for I condemn it without reserve! And if it is wrong, the people made a mistake in electing you to the Legislature.

"The right to life, liberty and property is now recognized throughout the civilized world. It was inherent in man before organized society; it has never been denied except in case of war or public necessity; it has never been taken away by the hand of power without consummating a grievous wrong. Among the inalienable rights, that to property is sacred as the right to live and be free, and no Government can exercise the power of destruction without injuring itself even more than the unhappy victims of its tyranny.

"In this case there is no redress in the courts to compel compensation, for it is the act of the State, and, however bad the law may be, it must be acquiesced in, but the principle is obnoxious to every sense of fairness, to every idea of justice, to every legitimate function of Government itself.

PRECEDENT ESTABLISHED.

"What of the precedent it makes?

"If this Legislature shall destroy all the distilleries and breweries, why can not the next forbid the raising or selling of the grains or the cultivations of the grape out of which spirituous, malt or vinous liquors are made?

"Shall this or some future Legislature prevent the farmer from raising or selling tobacco or the manufacturer from placing it on the market?

"If we thus start, where shall we end? It is better not to make the start.

"In the exercise of my constitutional power as governor, I veto this measure and ask its reconsideration:

"First—Because it ruthlessly deprives the State of revenue without any sort of corresponding benefit.

"Second—It discriminates against our own people in favor of the people of other States.

"Third—It destroys the property of the citizen without compensation.

"Fourth—It makes a dangerous precedent, humiliates Tennessee and lowers the place of dignity she has occupied as one of the proudest and most conservative of the Union.

"Fifth—It violates the will of the people twice expressed at the ballot box, offends against their sense of justice, and, under the plea of civic righteousness, sacrifices a great moral principle of government at the very altar where it should be guarded and defended. Respectfully submitted,

MALCOLM R. PATTERSON,
Governor of the State of Tennessee.

"February 3, 1909."

Growth in Population

The Effects of Prohibition on the Development of States

PROGRESS CHECKED AND ADVANTAGES NULLIFIED BY UNWISE LAWS.

(*Compiled from the United States Census Reports.*)

Three only of the States of the Union have, according to the census reports, ever suffered a decrease in population. One of these, Nevada, is a mining State, exclusively, and the fluctuation in its population is due to the transient nature of mining population, which comes and goes as mining excitement arises or subsides. The two other States suffering a decrease in population, Maine and New Hampshire, were prohibition States, and the loss occurred to them during a decade of intense prohibitory agitation. This might seem merely accidental, if it were not given significance by the more general fact that all States, without exception, which have adopted prohibitory laws, have increased in population less rapidly after their adoption than before, and also by the fact that in a majority of the States the repeal of the law was followed by an increased percentage of growth in population over that enjoyed by them under prohibition. Among States, furthermore, similarly situated geographically, and with the same density of population per

square mile, the prohibition States have shown during the period in which they were subject to the law an increase in population much smaller than that of the non-prohibition States.

The decrease in growth in the newer States of Iowa, Kansas, South Dakota and North Dakota, caused by prohibition, is most remarkable, since all the conditions of those States, except the blighting influence of prohibition, were of the character most conducive to rapid development. Yet, notwithstanding all their natural attractions and favorable conditions, Iowa, which had increased in population 36 per cent. between 1870 and 1880, under license, increased only 17 2-3 per cent. between 1880 and 1890, under prohibition, while in Kansas the increase in growth fell from 173 per cent., between 1870 and 1880, under license, to 43 per cent., between 1880 and 1890, and to less than 4 per cent. between 1890 and 1900, under prohibition. The increase in population in South and North Dakota, between 1880 and 1890, when they had license, was over 278 per cent. Prohibition went into effect in these States in 1890.

"Beer and the City Liquor Problem"

REVIEW OF AN ARTICLE BY GEORGE KIBBE TURNER, PUBLISHED IN SEPTEMBER ISSUE OF MCCLURE'S MAGAZINE.

"Beer and the City Liquor Problem," by George Kibbe Turner, which appeared in the September, 1909, number of *McClure's Magazine,* is interesting because entertainingly written.

It is fortunate for the truth concerning the liquor industries of the United States, by which we mean the brewing, wine-growing and distilling trades, that from time to time some capable writer should select them as objects of his attention.

It is to be regretted, however, that some of these writers, having in mind only the preparation of articles written to engage public attention from the Anti-Saloon League viewpoint, write so often with scant knowledge of actual conditions in the industries they attack. They give their readers a few ounces of undisputed truth mingled with many hundred-weights of erroneous statements and unfriendly comment, followed frequently by proposed remedies for the ills complained of, which seem absurd to men who have practical knowledge of the questions discussed.

Had the *McClure* article been written without prohibition bias, it might have been a desirable contribution to current economic criticism. Mr. Turner, we are sure, does not

mean to be unfair, but writing from the Anti-Saloon League standpoint in his discussion of the city liquor problem, he easily drops into some of the errors of the prohibitionist when treating a subject which he approaches in no friendly spirit.

His contribution is valuable as offering cumulative evidence of the true character and composition of the Anti-Saloon League. He bears testimony to the fact that it is a Protestant *Church* organization, that it is permeated with native Americanism, which is a polite synonym for the anti-foreign Knownothingism of bygone days, and that it is in politics. We quote his exact words: "The program of this new movement has demonstrated a high order of political ability."

All of this reduced to plain language means that this Protestant *religious* body (heaven save the mark!) is in politics and that it has demonstrated a high order of aptitude for political manipulation and scheming. Right here we see the signs of the ounce of fact with the ton or more of inaccurate statement. It would have been entirely correct to state that the Anti-Saloon League was a Methodist Church organization instead of a Protestant church organization.

The bishops and clergy of the Episcopal Church are openly at war with the doctrine of legislative prohibition; the German Lutherans are in opposition everywhere; the Presbyterians are divided on the question, and some of the minor Protestant sects are indifferent or opposed. All of these opponents refuse to merge their identity into a "skillfully organized political force." Therefore it cannot truthfully be called a Protestant church combine, because so many Protestant churches refuse to countenance it or to be led or driven into it.

In Ohio, where this review is written and where we can speak with accuracy of local conditions—when a county

gives a "dry" majority, every spot in the county becomes "dry." When it gives a "wet" majority, all spots heretofore "dry" under a local vote remain "dry." Under this one-sided arrangement, several cities in Ohio with populations ranging from 20,000 to 50,000, and which gave "wet" majorities of 1,700 and upward, have been forced into the "dry" column by the rural vote of the counties wherein such cities are located. This overriding of the principle of home rule elicits no objection from Mr. Turner, although he admits that under such conditions sumptuary laws are difficult or impossible of enforcement in the cities.

Of all the magazine articles bearing on various phases of the liquor question, printed in the last two or three years, many have been of the type we are commenting on. So long as some magazine publishers are willing to pay for productions of that stripe, they will naturally be furnished to order, supplemented by encouragement from the Anti-Saloon League. And so long as the present prohibition breeze blows over the land, many readers will swallow such publications with the usual lack of mastication and consequent mental indigestion. It is only necessary to print something in this country to have it believed. In a land where nearly all can read, but few do any serious thinking, printers' ink is a power.

What Mr. Turner calls the business "miracle" of the brewing industry is scarcely more of a miracle than the industrial progress in many other lines—and the evolution from the "rule of thumb" brewers of the past to the up-to-date scientifically accurate beer makers of today is no more remarkable than the transition from the first rude cars and pigmy engines of early railroad ventures to the palace Pullmans and hundred-ton engines of the present, nor is the increase in the consumption of beer more astounding than the increase in American travel. Nor is it greater than

the expansion of innumerable other industries producing both necessities and luxuries.

The "miracle" of beer is not to be compared to that of steel expansion. The early steel makers of this country were far behind the early German beer boilers in crudity of appliances and in paucity of production. The early steel makers began with a few pounds a day and an output of 1,000 pounds daily was something to excite comment. With the invention of the Bessemer process, the cost of steel production became relatively infinitesimal and the first-generation steel maker, wisely keeping his discovery a comparative secret, grew rich rapidly.

The prosperous first-generation brewers may have kept accounts on their safedoors or in their hatbands, as Mr. Turner claims, and no doubt have displayed some of the amiable incongruities of the *"nouveaux riches,"* but as a rule they have been home-makers and creditable heads of families—usually large families—all in the good old German way.

The second-generation brewers are frequently men of college education and of refinement and culture. With the German tendency to scientific utilities, they are in many instances specialists in the chemistry of their business.

The objectionable features of such magazine writings as the one we are discussing are found in their perverting effect upon the public mind. It is easy among a wide-reading, non-reasoning public to create a mental attitude bordering on unreason. This was shown during the late free-silver craze, when any penniless tramp who would mount a store box and orate in favor of free silver could hold an audience, while a banker of repute and standing would be hissed off the rostrum as an aristocrat and a "goldbug" if he ventured to argue against the free silver millenium of the Bryanite spellbinders.

Thus it has come to pass that with the public sentiment

created by such magazine teachings, State after State has passed county and State-wide prohibition laws without their lawmakers giving any adequate hearing to representatives of the liquor industries. The prohibition fanatic, without a dollar invested in anything, and with nothing to lose by agitation—in many instances paid for agitating—was the only individual listened to by legislative committees passing upon laws framed to practically confiscate millions of dollars worth of brewery and distillery property which had been built up and legitimatized by a century of legislation tending to promote and encourage home industry in brewing, wine-growing and distilling.

We are always told that there are moral questions involved in this prohibition outbreak. Temperance is a moral question—absolutely so. For that reason it cannot be a legislative question. Moral questions pertain to individual conscience and personal restraint; they are never settled by act of Legislature.

The amusing feature of this Anti-Saloon League situation is that while the League is proclaimed as the "federated churches in action," the churches which are supposed to be the custodians and guardians of moral ideas, find themselves unable to deal with the situation until they are first made over into what the Rev. Purley A. Baker, National Superintendent of the Anti-Saloon League, tells us is a "skillfully organized *political* force."

There is a strange clouding of moral perception manifest in this prohibition movement. Property rights are ignored, emotionalism supplants reason, force is evoked lawfully or unlawfully to accomplish a purpose. In fact, moral ideas seem to be completely ignored and lost sight of by those leading the agitation. With them the end justifies any and all means for its attainment.

Many of the questions stirred up are discussed as moral, when in facts they are largely commercial and economic.

The *character* of retail establishments is properly a police subject; the number is purely a commercial matter. Whenever there are too many saloons in any locality, the numerical excess is soon remedied by competition.

The brewery management of the saloon may be, and no doubt is, absurdly stupid, but it is not one that can be improved or amended by writers who go to the hostile corner saloon keeper to gather facts and who serve them up to the public through Anti-Saloon League spectacles.

If the photographs shown in connection with the *McClure* article portrayed American Methodists at lunch, there might not be so much objection to them even if they drank beer, but the crime of the noon-day lunchers shown in the pictures consist in their being "foreigners." To our Methodist Know-nothing Anti-Saloon League friends, nothing is so obnoxious as a "foreigner"—even if he be an inoffensive, hardworking day laborer—unless it might be a brewer or a distiller!

It should be remembered that so long as our native Americans prefer to live by their wits rather than by the honest toil of their hands, so long will the foreign-born laborer remain a necessity and a blessing to the labor markets of the United States.

The man who decries foreign labor because it drinks beer instead of cold tea or ice water for lunch, knows very little of the economic conditions about which he ventures to write.

This whole Anti-Saloon League movement is in reality a thinly veiled warfare on everything foreign—an outbreak of envy and jealousy directed against the hard-fisted, hard-working, money-saving, child-rearing foreigner and his descendants, who in the struggle for existence are gradually crowding the effete, bloodless anæmic, self-righteous remnant of puritan stock which is physically too feeble to do anything but cavil and denounce.

The cities *are,* thank God! reservoirs of European laborers. At the time of writing these lines it would be a blessing to the farmers of the northwestern United States and Canada if a few carloads of such foreign laborers could be spared to them to help garner the crops which are wasting in the fields for lack of harvest hands.

Nothing shows more plainly than such magazine effusions the virulence of the anti-foreign sentiment entertained by their writers. Hear what Mr. Turner has to say about the Jew: "Every business has the atmosphere of the mental type that made it." After mentioning various instances, he tells us that all of them, including "the acute and often unscrupulous Jewish type of mind which has taken charge of the wholesale liquor trade of this country, are all evident in the development of the various businesses they control."

This is not a fair statement. The Jew in the distilling business of this country has supplanted the old Kentucky and Pennsylvania distiller—the "rule of thumb" distiller—not by unscrupulousness, but by the same untiring industry, intelligence and business sagacity and adoption of modern processes which make him a success in all walks of commercial and financial endeavor.

In like manner the "German artisan millionaire—the immigrant beer boiler of fifty years ago—the sudden creature of new continent"—rose to prominence and wealth by the grace of opportunity and his rugged ability to seize it aud turn it to his advantage. Be it remembered that the brewer of fifty years ago did not create the American appetite for stimulants. He found the appetite ready-made, and acting on Horace Greeley's axiom to find a demand and supply it if you want to succeed, he proceeded to supply the demand he found, awkwardly and unprofitably at first, but later with great profit for a time, until, under the inevitable laws of trade, overproduction and undue competition once more made his road a difficult one.

It is not easy to determine for what purpose the *McClure* article was written, although its inspiring source is evident. Was it to take a fling on general principles at the foreigner? Or was it to revile the brewer and proclaim that the concerted efforts now being made all over the country by the brewers to eliminate disreputable saloons was not an honest effort at reform, but only a trade necessity? Or was it to spread broadcast the highly moral idea that the States, in suppressing industries of over a century's growth, were not for a moment to consider the doctrine of compensation to the people whose breweries and distilleries, designated as "liquor factories," are practically confiscated? Or was it for the purpose of informing the reading public that "commercially the interest of every private business selling liquor is against the interests of the general public?"

We are told that "every normal commercial incentive drives it to sell the greatest possible amount of its wares," etc. No industry can sell any more of its wares than the public wants to buy. Mr. Turner perhaps does not know that the high license inflicted on the occupation of liquor selling is responsible for the bulk of the law-breaking and viciousness complained of in the retail trade.

If all magazine contributors were compelled to pay a levy of a thousand or twelve hundred dollars or more per annum before being permitted to write a line for publication, what manner of stuff would they not be willing to write in order to earn that license fee, and how their pens would work overtime for the production of quantity of copy regardless of quality. Of all the vicious nostrums invented as a cure for all the evils of retail liquor selling, the high-license prescription has been the most potent for evil to the liquor seller and to the public.

The distillers and wholesale liquor dealers have always advocated a moderate or low fee and a license based on the *character of the applicant,* such license to hold during good

behavior of the licensee and to be forfeited for any violation of law. High license is always an incentive to lawbreaking. But, like the banker in the free silver craze, the liquor dealer has been hooted out of hearing, and the cranks, male and female, given possession of the halls of legislation.

The suggestion is made that one saloon to each one thousand of population is enough. Why not to each 900 or each 1,100 of population? We are not told. No good reason is given.

And where should this one saloon be located with reference to the one thousand of population, upon which its right to exist is based? Should it be placed geographically and geometrically in the center of such one thousand population?

It is apparent that Ashland Avenue, behind the stockyards in Chicago, which is described as a "solid street of saloons," is offensive. But is there not some reason why these saloons are there? Several thousand men work in those stockyards. Each one of those saloons sells food of some kind in some shape. They are the lunch-stands and restaurants of these many thousand workers, who want beer as well as coffee and milk with their noonday food.

The number of these saloons has nothing to do with the amount of beer or strong liquor sold nor with the amount of coffee or milk or tobacco disposed of by them.

They are a convenience in serving their customers who patronize them, because these patrons want what the saloons offer for sale—beer, milk, coffee and rough food. A magazine writer may lunch acceptably on chocolate eclaires and iced tea, but if he had been knocking steers in the head all morning with a twelve-pound sledge hammer, or been ripping the entrails out of them, or disemboweling sheep by the hundreds, he might want a glass of beer, or even something stronger, with his hunk of rye bread and boiled meat when the whistle announced the noon hour. This "whole

street of saloons" is there because they find patronage and supply a demand.

If the brewers were to combine and make one saloon of the block by knocking out the partition walls of the buildings, they would save money. They would be obliged to pay but one license. They would not sell any more beer, nor any less; they would still supply the same demand. The brewers would be the gainer, the city of Chicago would be the loser.

So we see how utterly inadequate are some of the reformatory suggestions of magazine writers, who use but one eye in looking at things and who know almost nothing of the conditions they are so ready to criticise.

With many thousands of men working in one locality, wanting food and drink within one fixed hour of the day, the theory of one saloon to each one thousand of population seems not to be worked out to a conclusion regarding definite location. With any very great reduction of facilities for the noon supply of food and drink on Ashland Avenue, Chicago, there would be a daily riot of hungry and thirsty workingmen. But little matters of detail of this nature never ruffle the Anti-Saloon League theorist. The stream of Anti-Saloon League wisdom for the regulation of the universe will no doubt continue to percolate from its Methodist-Knownothing sources until sensible people, becoming weary of it, will gradually turn it into the sewers of deserved oblivion.

Theory of Prohibition

A Masterly Analysis.

(*Rev. Sanford H. Cobb in the Princeton Review.*)

The discussion of this theme falls naturally into two parts, according to its duplex presentation; first, as civil law, either existing or proposed; and second as a moral precept. These two aspects are logically quite distinct, and in some respects are antagonistic. Yet in ordinary discussion, at the hands of both friends and foes, they are constantly confused. One rarely hears or reads an argument against prohibition which keeps clearly in view the distinction between a civil statute and a precept of morals. One rarely hears or reads an argument in its favor which does not confessedly draw its strongest plea from moral considerations. Prohibition comes into religious assemblies and church courts, demanding that it receive their sanction and furtherance, as a thing of almost religious obligation; in some cases even seeking ecclesiastical indorsement for a political party having prohibition as its watchward. In some quarters, also, it is broadly charged that every pulpit which fails to champion prohibition is derelict. This state of things shows a most lamentable confusion of ideas, resulting in much illogical and unchristian argumentation.

The only justifying ground for a prohibitory law, if found at all, must be found in the principles, not of morality,

but of political economy, or, to use a wider phrase, in the requirements of public policy. The scope of public policy is wide. It considers what is necessary or desirable for the community at large; what best subserves the interests of the State; what will provide for its revenues, develop its resources, and protect it from various dangers. Here is the ground of power to tax for support of the State and for public improvements; to establish common schools; to levy duties on imports; to declare quarantine; to kill diseased cattle; to regulate the sale of dangerous articles, such as gunpowder and poisons. Indeed, public policy, the right of the State, may go so far in its demands as to "take the body" of the citizen, enlisting him for war, or even drafting him by force, if he himself is unwilling to fight his country's battles.

Now, it is solely in the exercise of the right which such power implies, and for reasons of external public policy, that the State has in the past interfered, or can ever be asked to interfere, with the liquor traffic, in all degrees of such interference, from the lowest form of license to the most iron-clad prohibition. The confessed object of all such legislation is the lessening or the entire suppression of the evil suffered by society in consequence of that traffic. In the presence of such law, if any citizen claims the personal right to sell liquor without a license, or if, as against prohibition, the citizen claims the personal right to drink liquor within the bounds of moderation, and hence, the right to buy or make—both of which claims found themselves on the personal liberty of the citizen—the State replies, in effect: "Whatever your right may be in itself, or would be in case others were not damaged by its exercise, yet you and your right do not stand alone. All rights must exist together in harmony, and when discord arises there must ensue a mutual limitation. In the application of this principle, the public good requires that

the sale of liquor shall be restricted or suppressed, your individual rights to the contrary notwithstanding." So saying, the answer of the State is complete, and, if facts shall warrant, its position unassailable.

Thus far it is clear that the essential question is solely one of public good. The morality of the question is accidental. Of course, modern society universally recognizes, however it may fail at times in applying the broad principle, that open immorality is adverse to the public good. Society is also, happily, beginning to apprehend that the political economy of the future must, for reasons of social prosperity, permit a large admixture of moral motives in its methods and precepts. And yet, after all, the liquor laws have not been nor could they be enacted because the use or abuse of liquor is immoral, but because the abuse of it is injurious to society. If such abuse did not threaten the public peace and create enormous burdens of taxation for the support of the courts, prisons, reformatories and asylums; if it were not the fruitful mother of crimes; if the immorality of this abuse were unattended by any material, physical or social ill-consequences to the jeopardizing of the public good, there would be no ground for interference by the State.

Its laws against various indecencies and moral evils are made and enforced, not for the reason that such things are wicked, but because moral corruption entails social damage. To sell or drink whisky might be as wicked as the unpardonable sin, but if no social evil arose therefrom the civil law would issue no warrant against it. It is, then, the fact that social damage attends the abuse of liquor, that crime and violence are multiplied by it, which furnishes the State with its justifying reason for interference. Such reason, be it noted, would abide and demand statutory action in the presence of any threatened danger, though

the procuring cause or instrument of such danger were destitute of all moral quality.

What, then, the prohibitonist must do, in order to sustain his appeal to civil legislation, is to demonstrate the gravity and extent of the evils inflicted on society by the liquor traffic, to compute the burden of taxation caused by it; to count the crimes; to show the misery of ruined homes; the loss to society and mankind through the personal degradation and death of the drunkard, and the dangerous allurements of the saloons, by which thoughtless youths are snared to the ruin of all the hopes which the State should entertain for the service of each citizen.

He must demonstrate the prevalence and burden of this evil in such preponderance as quite to outweigh the claims and individual rights that oppose his cause. He cannot deny, if he keeps within the region of facts, that, while the absolute number of those who abuse liquor to the result of drunkenness and social damage is absolutely large, yet relatively it is much smaller than the number of those who do not so abuse it, who never are drunken and damage society save in the imagination of that argument for "constructive" damage, so familiar in some quarters, which denounce the moderate drinker as the greatest foe to temperance and social order. Whatever may be the moral judgment as to the position of the moderate drinker, it will not do for the prohibitionist, seeking civil legislation, to lose sight of this undeniable disparity of numbers. To deny it, to take for granted that this larger class is deprived and destitute of any rights which the reformer should respect, is simply to offend the good sense of the community at large, and to enact in injury to the very cause he seeks to further.

With this disparity in mind, then it becomes necessary for the advocate of prohibition to show that the evil resulting from drunkenness is so great as to require the

abolishment of all drinking; that, because a certain proportion of society is dangerously vicious in its abuse of liquor, the only remedy is to be found in forbidding to the much larger proportion of society any use of it whatever. And this, if he desires a salutary and permanent statute, he must show, not only to the shifting mind of politicians catching at public favor and office, not only to a chance Legislature which some political combination may have carried into power, but to the good sense of society in general; a good sense and general opinion absolutely essential to the permanence and unity of any statute, however any sudden tide of passing enthusiasm may have procured its enactment. When the general sense of society is agreed that the greatest good of the greatest number requires a prohibitory law, that law will be enacted and enforced as naturally and promptly as are the laws against stealing and smuggling. Until the law is desired and sustained by such general or controlling sentiment, it will be a positive moral damage, the constant cause of lies and evasions, and degrading in the estimation of men to the very conception of law, which should ever be held as among things most sacred.

It is not the purpose of the present article to make or antagonize such argument, but solely to defend the limits within which the appeal for legal prohibition must be confined. Whether such appeal is warranted by the condition of society to-day is neither affirmed nor denied by this paper. The purpose in hand is rather, having made the foregoing definitions, to draw attention to the fact that the prohibitionist is out of his place, and beside the real question of legal prohibition, when he assumes that as a civic measure it is demanded by morality, when as a moralist he propounds such prohibition as a remedy for the moral evil of drunkenness; when as a preacher, he lays it as a religious obligation to conscience; or when, as a Christian, he enters

a church court and demands for it the religious authority of ecclesiastical commendation.

This introduces the second aspect of prohibition, which the perhaps more frequent argument strives to make the prominent one, but the utterances of which the movement takes to itself pseudo-religious and moral forms, and appeals to the religious and moral consciousness of the church and Christians. Dropping its only valid argument of social expediency, it assumes the dignity of a moral precept, and declares that the State ought to prohibit the manufacture and sale of liquor on strictly moral grounds; that such making and selling are sinful; that the license system is wicked in that it draws a revenue from sin. This idea of moral urgency is spoken or implied in every resort to synods and conferences on the part of prohibition, and to the false principle involved in it many a religious body gives consent, either unwittingly or unwillingly, for the fear of being misunderstood or misrepresented. The usual form of such deliverances reasons from the sin of drunkenness and the drinking habit to the necessity of civil statute to prevent it.

Thus, whatever force may be supposed existent in an ecclesiastical enactment to formulate a spiritual law is sought in order to clothe the social expedient of prohibition with the sanctities of moral precept. It is but a borrowed plumage, not native to the bird which wears it. A moral precept is an instrument for the education and strengthening of the moral man, and as such it may, without hesitation, be affirmed that prohibition has no standing in the the court of Christian morality. Preached as a moral dogma, binding on the conscience, it is reprehensible as the sin which it proposes to abolish. This ought to be self-evident to every mind; and yet because the mind is oppressed by the enormous evils of intemperance, and at the same time drawn by the good which prohibition promises, the vital distinction

here noted is apt to be lost. The truth of this distinction and its importance will appear from the following consideration:

1. The logical support of prohibition as a moral precept necessarily involves the assumption of one of two things—either that all drinking of intoxicants and consequently the sale of them is sinful, or that an invariable moral law of total abstinence, to be enforced on all by conscience and both canon and civil law grow out of their abuse by some. Both of these assumptions are false. As to the former, it hardly needs to be argued to the unbiased mind that both reason and Scripture place the marks of sin at inebriety. To be drunken is a sin. To drink with the certainty or probability of drunkenness is a sin. To drink within the limits of entire self-control is indifferent. This last is true temperance, with which firmly observed, so long as a man's influence is not taken into account, for the man himself it is as innocent to drink as to eat bread. To sell for such use must also be innocent. It is not necessary to consider here the attempt made to turn the position of Scriptural temperance by the modern interpretation which supposes the Bible to make mention of two wines. It needs but to set aside for a curiosity of exegesis, as grotesque as it is unsupported by the vast preponderance of scholarship and research. It stands true that the Bible calls drunkenness a sin, but not drinking. Hence there is a false premise in the moral plea for prohibition, when it says, as in the majority of its utterances, "Thou shalt not drink." This even the moral law cannot say. It is still more impossible for the civil law to say it for moral reasons. The civil law, as already shown, may say it for reasons of social expediency, if public sentiment shall demand it.

This brings into view the fundamental distinction made by the common law, and recognized in the Scriptures, between *malum per se* and *malum* prohibition. The former

is wrong because of its intrinsic nature, and nothing can make it right. The latter is wrong only because the law forbids it. The wrong of the former demands that a law be made to punish it. The wrong of the latter has no existence until the statute is made and the crime created by the law. The former is fundamental in morals. The latter is expedient for the State. Both the Bible and the civil law say: "Thou shalt not steal." It is a sin to steal under any circumstances, and to any amount, however small. It would be a sin if the law said nothing about it. The law says "Thou shalt not smuggle." Morality and the Bible know nothing about the crime of smuggling until the civil law defines and creates it. Then morality and the Bible make conscience of it and say, "Thou must obey the law." By parity of reasoning, the matter of excess and of influence aside, there needs a prohibitory statute to make all use of intoxicants a sin. The moral argument of the prohibitionists puts the cart before the horse, saying: "Prohibit, because it is wrong." In reality only the statute can make it wrong. No moralist is ever justified in speaking of a statutory evil as though it were an evil *per se,* least of all, in arguing for the prohibition of the former on the ground of the latter's intrinsic sinfulness.

The first of the two assumptions is then manifestly false. The other can fare no better, though more plausible in its statement. Its ordinary form of statement is of the nature of a conclusion; that the evils in many cases attendant on the use of liquor are so enormous as to require prohibition, and therefore it is the positive duty of every Christian and moralist to seek such a statute. But this is contrary to the spirit of Christian liberty and the right of private judgment. You may say, in sympathy with Paul, "I will drink no wine, because my brother stumbleth." But you may not say to another that he also must abstain. Whatever the civil statute may compel, you cannot make

your estimate of moral duty a law to him. He is your equal in intelligence, general conscientiousness and Christian earnestness. There is no reason why his opinion in any matter should not be as good as yours. From the same facts he forms different conclusions from your own, and equally desires the right and true. You have no moral right to bind his conscience, nor to argue for that which will bind him from a moral dictum that is only a matter of opinion.

However the individual may enact for himself a prohibitory law on the ground of his own moral convictions and Christian experience, yet there is a gross invasion of Christian liberty when it is asserted that this is an invariable moral law; that every man ought to be bound by it, or that church courts ought to pronounce it the voice of religion. Indeed, the whole argument for prohibition is utterly hostile to the free spirit of the gospel. Now this objection, it may be needful to remark, is not directed against the social expedience of prohibition. Such statute, if enacted, the good citizens will welcome, or submit to, as an experiment for the public weal. If not approved it may at least be tolerated. But this is quite other than the imposition of it as a moral precept, or the preaching of it in such form. As such, it is simply monstrous.

2. As further emphasizing the points already made and adding to them, it is to be noted that the real principle involved in prohibition is directly adverse to the spirit, the method and the aim of Christian morals. Aside from the social event, the thing proposed by the moral attitude of the measure is to reduce vice and to promote virtue, to rescue and reform the drunkard and to deliver others from temptation. It may be safely said that Christian morality, while earnestly desirous of such beneficent ends, is opposed to such a method of reaching them. The philosopher will tell you that, as a matter of fact, you cannot

make men virtuous by compulsion. To this the Christian moralists will add that you ought not to try; that you should not, if you could. The ideal of Christian manhood is in spiritual and moral power; in inward gracious strength, not external safeguards; in the self-control of manly virtue, not in continuous pupilage to superior restrictive negations; in the victory that overcometh the world, not the safety of the coward who runs away from the battle. The strength of moral manhood says: "I will not, because I ought not." It is not a moral child who says, "I will not because I cannot."

This latter speech it is that the moral theory of prohibition seeks to put into men's mouths. Instead of teaching them to be men—self-poised, self-controlled, strong in grace, and virtue and faith, "growing in the measure of every part" of the moral man, "compacted by that which every joint supplieth," it would keep them forever "as children," whom, lest they "be driven about by every wind of [evil] and cunning craftiness whereby [men] lie in wait to deceive," it would surround with an iron wall of external circumstance, so that they must be sober whether they will or not. This, indeed, is very far removed from the Scriptural conception of Christian manliness and virtue, which is "strong in the Lord and in the power of His might, able to withstand all the fiery darts of the wicked one, and, having done all, to stand." Such is your Christian soldier, who "endures hardness," and does not plead for extraneous assistance. According to the moral theory of prohibition, there ought to have been a high fence around the tree of the knowledge of good and evil, so that Eve could not reach it. Consider how great misery such a prohibitive statute would have saved the race.

The point of objection, then, is clear. Prohibition is not to be urged by the church and Christian morality as a remedy for moral ills. We may not teach society that

prohibition is required by Christian morals. We may not teach the drunkard that his salvation from the curse of rum is to be found only in prohibition. We may not teach the youth their best safeguard is to be made by prohibition. We may not teach the world that Christian virtue and manhood require any civil law for either their creation or their preservation. To do this is false to the principles of Christian truth and is treason to the Lord. But in the predicament of doing just this very thing, this theory of prohibition stands, when urged as a moral precept and enforced with the sanctions of religion. Verily, not on such food as prohibition brings will men grow to the stature of moral manhood. Put your prohibitory enactments on the statute book, make them operative and successful, and then the world will have taken a step backward in true moral progress; and Christian doctrine and manhood, so far forth as they shall depend thereon, will have receded from their divine ideal.

3. For, in the next place, as a conclusion that is irresistible and a fact beyond denial, it follows that the acceptance by the church of this moral theory of prohibition, as a necessary means of meeting and subduing moral evil, is a confession of failure and of hopeless weakness on the part of Christianity. Such failure has certainly been charged by a number of advocates for temperance and prohibition, whose assaults upon the church have been more bitter and virulent than upon the rum power. The adoption by the church of this modern shibboleth of so-called moral reform virtually confesses that this false charge is true. It goes to the root. It declares that Christian methods are too weak; that the gospel is unequal to saving men from the sin of intemperance, however efficient it may be in coping with other forms of sin; that spiritual power must be supplemented by civil law in order to redeem the world; that the preacher of "righteousness, temperance and judg-

ment to come" must be attended by the constable, to give to at least one of his doctrines the desired effect.

There is no evasion of this conclusion. It is so plain as to be self-evident. Instead of relying on God's spirit, this preacher of a moral prohibition puts his trust in fallible legislators. Instead of using spiritual influence, resorts to the tricks and treacheries of politicians. Instead of holding up the pure law of God, he seeks to submit to "ordinances; touch not, taste not, handle not, after the doctrines and commandments of man," against which the Holy Ghost has expressly warned. Instead of educating to the stature of perfect manhood in Jesus Christ, he would bind men in soberness by a statute, and keep them children for life. But the method and result are alike unchristian. "The weapons of our warfare are not carnal, but mighty, through God, to the pulling down of strongholds, and bringing into captivity every thought to the obedience of Christ." What the church needs for the successful doing of her work in saving men from the sin of intemperance, as from all other sins, is not a prohibitory statute, but a soul-filling baptism of the Holy Ghost.

4. Still another objection to the theory of prohibition in its moral aspect is that it is the unphilosophical and unbelieving language of impatience: "He that believeth shall not make haste." The world, under God's rule, is working out its salvation. A steady redemption is going on—slowly, you may say, if you please, and yet steadily. "Now is our salvation nearer than when we believed?" Undoubtedly, this progress might have been more rapid had the people of God been more faithful. And yet the entire history of truth and the analogies of faith teach that moral reformation is both inward and gradual, and most emphatically that it can not be hastened by external statute. Now, the theory of prohibition grows impatient of this law of moral progress. Alarmed, horrified by the portentous

character of the present form of evil which it seeks to combat, it proposes to destroy it at one blow, fondly and foolishly dreaming that such a blow is possible.

It may be proper enough to cut a Gordian knot when the knot is only a tangled mass of cords or thongs. But when it is made of thought and feeling or impacted by immoral passion, there is no sword of human law that, to the satisfaction of morals or of religion, is equal to the cutting. Such instrument may, indeed, if circumstances shall prove propitious, solve a riddle for society and minister to its general comfort and safety. But when you get to the real moral problem which in this question forces the church and the moralist, you find something far more imperative and important than any external and social prosperity—a demand for moral reformation. That knot must be untied by patient toil and love and faith and prayer. Prohibition is no answer to this moral problem, albeit the radical error made by prohibitionists is in constantly presenting it as an answer. If it is not meant as a moral remedy, it has no more propriety in the pulpit than a discussion of the tariff.

A notable illustration of the point in hand is found in the fact that the vast majority of temperance speeches and sermons, forgetful that Christian temperance is self-control, and that for sobriety the moral law of abstinence is found in individual liberty, insists on the necessity of an enforced abstinence, not simply as a social expedient, but as a moral requirement. Moral suasion is derided and laid aside; moral and spiritual forces are considered of no value. What is demanded is a statute and a policeman's club to convert men out of hand! The church might as well petition the Legislature to abolish sin.

5. Once more, the valid objection lies against this moral theory of prohibition that it either goes too far or does not go far enough. If it is a true moral precept, it should be

applied to the statement of other moral evils than that of intemperance. Now, why should he apply the remedy only to the evil of the liquor question? The sin of intemperance is not the only sin growing out of the abuse of an innocent thing, in which multitudes go to do evil, and before which the Christian moralist sometimes stands appalled.

There is, for example, the sin of impurity, the so-called "social evil." This represents a more heinous sin than drunkenness, because it degrades the mystery and poisons the fountain of life; and a more threatening evil, because the danger it brings is not violence, but moral and physical pollution. Better a drunken nation than one unchaste. It represents also, it is greatly to be feared, a wider spread of evil. Why not apply the moral theory of prohibition to this evil? It is said: "There are laws against brothels and adultery." That is true, and so there are laws against drunkenness, so that to this extent the two evils stand in equal condemnation. But the prohibitionist demands that, because intoxicants are abused by some men to drunkenness, therefore there shall be no intoxicants at all.

To be consistent—if this theory be correct—he should also demand that, because the sexual instinct is abused by some to the extreme of impurity, therefore all union of sexes shall be forbidden. This, of course, is absurd, and is almost blasphemy against the marriage which is "a holy ordinance of God and is honored among all men." And yet the analogy is complete, the argument, in its moral force, irresistible. The absurdity and blasphemy lie with the prohibitionist, who would foist a temporary social expedient into the seat of Christian morals and make it a principle of morality binding on the conscience. For he would do well to remember—as all sound moralists and teachers must remember, if their doctrines are to bear scrutiny—that morality is general. Its principles are broad and of equal application to all the subjects of its administration.

If, for the sake of destroying one great moral evil, we adopt as a moral measure the abolition of its innocent instrument, then the logic of truth and moral consistency compel us to apply the same rule of judgment and the same principle of prohibition to every moral evil that arises from the misuse of an innocent instrument. From this dilemma the prohibitionist has no escape save in the assertion that the use of all intoxicants is sinful, an assertion which, though made by some temperance advocates, is worthy only of the contempt deserved by any wretched makeshift.

But this is not the whole of it. If the prohibitionist may appeal to the State for a prohibitory enactment against liquor on the ground of morals, if his argument for such action is, as generally we find it, drawn from the alleged sinfulness of the use or abuse of liquor, then he admits a principle which, carried to its logical results, is destructive of both civil and religious liberty. If it is right in this case, it is right in any case to call upon the strong arm of the civil law to enforce a special view of morals or a particular tenet of religion. For such reasons it is objected that this moral theory of prohibition either goes too far or does not go far enough. If the principle is true, then should it sweep the fields of morals and religion. If the principle is false, then is it only a delusion and a snare.

The sum of it, then, is this, that as a remedy for the moral evil of intemperance, prohibition is wanting in the first principles of true morality. Its advocacy on moral and religious grounds is pernicious to the last degree, oppressive to the conscience, restrictive of true liberty of mind and dishonorable to the Christian idea of manhood, and discreditable to a church that can write its name upon her banners. Prohibition is, or must be, a civil measure, sustained by civil reasons, and looking to social ends. Notwithstanding its involvement in and suggestions by special conditions which display immoral aspects, it yet stands as a

civil measure on the same level as the tariff law, and is as much out of place in the pulpit and church courts as a discussion of the fur trade would be. Such exclusion, of course, does not bar out the discussion of intemperance, or of all moral means for its removal. Intemperance is a sin loudly demanding the animadversions of the church, and her consecrated efforts for its reduction, in which she would have been more successful than she has, but for those divisive counsels which have thrust so many obstacles in her path.

All this can be said—nay, has been said—with the deepest consciousness, that the evil which prohibition seeks to suppress is enormous. No words can describe its baseness, its wretchedness, its tears and ruin. Nor is it to be wondered at that the sometime desperation born of a view of such evil should dispose one to catch at any instrument which holds out the promise of relief, or that every possible argument should be employed to further its beneficent design. We will not always criticise too closely the skiff which carries us over the rushing tide, or suspect too sharply the oar that impels it onward. So earnest and zealous are the special advocates of such measures that even when criticism seems demanded, the critic hesitates lest ardor may induce a total misunderstanding and misrepresentation. Let it then be fully stated, in conclusion, that it is not here contended that a prohibitory statute, as a civil measure, is either beyond the province of, or impolitic for, the State, or that for civil reasons it is not desirable.

The discussion of that theme demands a different train of thought. Whether the State may, or should, so limit the liberty of the subject, can but little affect the present contention, which, with all possible earnestness, denies the competence of either State or Church to formulate prohibition as a moral law. Be its outward benefits great or small, it is not to be forced upon the conscience, however it may

gird about the external actions of the citizen. Its adoption by the Christian or the Church, as demanded by true morality, involves a fundamental error. The moralist and Christion must be careful as to his moral arguments and his admission in regard to the relations of the moral to the outward life, lest, happily, while obtaining for a season a certain definite good, he may sacrifice that which is more precious and enduring; lest he may forge a weapon which, in other hands, shall shatter his dearest treasure.

Prohibition and Crime

(*Compiled from the U. S. Census Reports.*)

"Prohibit the liquor traffic and crime will cease" is the war cry of prohibition. The question thus becomes pertinent: Has the number of convictions for crime decreased in States which have been under prohibition?

Maine, New Hampshire and Vermont were under prohibitory laws longer than any other States, and continuously, and in them may be expected the fullest fruition of that policy. Referring to the United States Census Reports the number of convicts in each of these States at each census from 1850 to 1890 is found to be as follows:

	1850	1860	1870	1880	1890
	Under license.		Under prohibition.		
Maine	100	225	261	405	512
New Hampshire	33	193	267	269	321
Vermont	105	139	193	258	200

Up to 1850 there had been no prohibition in any of these States. In that year there were in the penitentiaries of Maine 100 convicts, or 171 convicts to every million of population. Between 1850 and 1860 prohibition became the law of the State, and in the latter year the number of criminals had increased to 225, or 358 to every million of population. The number of criminals further increased in

1870 to 261, in 1880 to 405, and in 1904 to 496, or to 700 convicts for every million of population.

There were, therefore, in Maine in 1904, after fifty years of prohibition, more than *four times as many* criminals for every million of population as there were in the same State before it had prohibition. The Portland (Me.) *Herald* says: "Crime is alarmingly prevalent. Murders have continually increased year by year. Our jails and prisons are unpleasantly full. Robberies and burglaries are occurring in all directions. Crime of all kinds is increasing."

In 1850 New Hampshire, under license, had in her penal institutions 33 convicts, or 104 to every million of population. This State also adopted prohibition shortly after 1850, and the number of convicts increased steadily to 193 in 1860, 267 in 1870, 273 in 1880 and 321 in 1890, the number of convicts per million of population in the latter year being 853.

There were, therefore, in New Hampshire, after forty years of prohibition, *eight times as many* criminals, per million of population, as there were under license.

Vermont was under license in 1850. She had in that year 105 convicts, or 334 for every million of population. She adopted prohibition between 1850 and 1860. In the latter year the number of her criminals had grown to 189, and this number increased to 193 in 1870, to 258 in 1880, and 200 in 1890, or to 602 for every million of population.

In Vermont, therefore, the number of criminals per million of population, after forty years of prohibition *was double* the number under license.

The steady increase in crime from decade to decade under prohibition, as shown by these figures is most remarkable.

Iowa and Kansas adopted prohibition after the census of 1880 was taken. The census reports for 1890, page

127, shows the number of convicts in those States under license and prohibition was as follows:

	1880. Under license.	1890. Under prohibition.	1904.
Iowa	803	1,016	1,255
Kansas	1,295	1,928	2,876

Number of convicts per million of population:

	1880.	1890.	1904.
Iowa	494	531	531
Kansas	1,300	1,351	1,933

Crime has increased, therefore, over 48 per cent. in Kansas in the two decades during which the State has been under prohibition.

After a thorough trial Iowa partially abandoned prohibition. *While the law was in force crime increased,* as shown by the table. *Since the State partially abandoned prohibition there has been no increase* in crime.

Alcohol from a Scientific Viewpoint

The following from the science department of *"America,"* a publication of the highest character, is worthy of careful reading.

Where a paper of this able character discusses alcohol from a scientific standpoint, it is refreshing to note how free the treatment of the question is from the prejudice and intolerance shown by so many magazines in discussing any and all questions pertaining to spirituous liquor in any form. The comments on the teaching of physiology in the public schools are timely. The text books used in the public schools of many States are unworthy a place in the school curriculum of any Commonwealth:

"Perhaps nothing is more interesting than the change that has come over medical opinion, in the last few years, as regards the tissue degenerations caused by over-indulgence in alcohol. It used to be considered definitely settled that arterial changes of many kinds were a common consequence of alcoholism. After arterial change nephritis was supposed to be the next common result, and following this came cirrhosis of the liver, the hardening and shrinking of this organ. Now every one of these supposed characteristic changes due to alcohol is in doubt. Probably none of them is due to alcohol alone. They do not occur in the worst cases of alcoholism and they do occasionally occur in people who have not indulged in alcohol to any extent,

and sometimes in those who have been abstainers from spirituous liquors of any kind. This is true for all forms of alcoholic drinks. The mild beers and wines and the strong liquors apparently have about the same results, and these are not the organic changes that we have just mentioned. It seems important to call attention to this because, as supposed knowledge has spread in recent years, the mention of certain affections, especially nephritis and cirrhosis of the liver, have almost come to carry with them the implication of alcoholic indulgence.

"The autopsy records of poorhouses and general hospitals in Massachusetts, in which a great many inebriates, men and women who have indulged in alcohol to excess for many years, were carefully analyzed in a paper read by Dr. Cabot, of Boston, before the American Medical Association at its Atlantic City meeting five years ago. The conclusions were a surprise to all present, for they contradicted most of what physicians thought they knew with regard to the tissue changes produced by alcohol. Prof. Osler commented on this and suggested that our supposed knowledge was evidently much less well founded than we thought and that much more remained to be done. A recent German contribution to this subject, then, is most interesting. Prof. Fahr reported the autopsy findings of over 300 cases of men who had been inebriates for many years and who had died usually as a consequence of alcoholic indulgence. It is easy to understand that in the Harbor Hospital of a large seaport like Hamburg a great number of victims of chronic alcoholism would be among the patients. In nearly all of the cases, as is true generally of sailors, the alcohol had been taken in the form of spirits and not as beer or wine.

"The result of these autopsies was reported editorially in *The Journal of the American Medical Association,* November 27, 1909. They are not in harmony with the idea

that alcohol is a poison which produces widespread and gross anatomic changes throughout the body, or that it is a common cause of either arterio-sclerosis—that is, arterial degeneration, or nephritis. With regard to cirrhosis of the liver, less than five per cent. of drunkards suffer from it, while the autopsy records of patients without any alcoholic history in Hamburg itself show that it may occur quite apart from alcohol. Evidently some contributing cause is needed for its production, and this may act without alcohol, though alcohol predisposes to its action.

"What was found, however, and is of the greatest importance, were changes in the nervous system which predisposed to the sudden deaths so common in alcoholism, and to that lack of resistance to all other diseases which characterizes the alcoholic subject. Fahr suspects that changes in the ganglion cells of the heart may be responsible for the sudden heart failure so common in this class of patients. Protracted feeding on alcohol fails to cause, in guinea pigs and rabbits, any of the changes that used to be considered so common in men, and even does not produce the fatty degeneration in heart and liver which is very common, but does produce a marked tendency to sudden and unexpected death. It seems important that knowledge of this kind should be widely diffused, because it adds another motive to the cause of temperance. At the same time it is very interesting to realize that most of the teaching of physiology in the public schools concerning what were the accepted conclusions as to the effect of alcohol upon the tissues is quite wrong and must now be corrected. It is this tendency to teach mere scientific opinions as absolute facts that has been deprecated by many scientists who have dwelt especially on the necessity for care in this matter as regards the young, since they will later have to be asked to correct previous false notions, to the serious detriment of what they think of science."

Unusual and Tyrannical Methods Ineffective

The people of Vermont adopted prohibition in 1852, and many of them rested confident for a period in the belief that in it a remedy had been found for the evils of intemperance more swift and sweeping than the tedious and slow processes of moral suasion.

It soon became evident that under the prohibitory law, intemperance was not decreasing, and the law was not being enforced, and that the machinery for the enforcement of ordinary laws supported by public sentiment was wholly inadequate to insure the enforcement of prohibition. A resolution was passed by the lower branch of the Legislature in 1853, appointing a special committee to consider the matter. This committee reported that prohibition had produced many evils, had trespassed on the liberties of the citizens unjustifiably; and had increased the drinking habit instead of diminishing it, and recommended that the law be repealed. This recommendation, after prolonged debate, was voted down, by a vote of 91 to 90, and prohibition continued the policy of the State.

Unusual Measures Adopted.

The friends of the law, realizing that prohibition, in regard to which sentiment was divided, could not be enforced as ordinary laws are enforced, now sought from the State Legislature unusual and severer means of enforcing

the law. These, in turn, proving futile, more and more drastic laws were demanded at each succeeding session of the Legislature. Ingenuity was taxed to devise means for enforcement of the law. Succeeding legislatures for fifty years granted freely whatever the prohibitionists asked, and the statutes relating to the enforcement of prohibition eventually became approximately as voluminous as those applying to all other crimes and misdeameanors whatsoever.

Search Without Warrant.

In the struggle to make the law more effective, essential principles of American government were ignored. It was decreed that the home, baggage, and even the person of any citizen, sojourner or traveler in the State could be searched for liquors without warrant, and on mere suspicion. In such search any liquor found either on the person or elsewhere, no matter for what purpose intended, was confiscated, and the person in whose possession it was found arrested and held guilty of violating the prohibitory law, unless he could prove the right to have the liquor in his possession. Under this law, no visitor to the State could carry his own liquors for strictly personal use. Anyone so inclined could stop any person on the highway, search his person and baggage without warrant, and seize any liquors which might be found in his possession. The law, instead of following the ordinary rule which considers every man innocent until he is proved guilty, held those, in whose possession liquor was found, to be guilty until they proved themselves innocent.

Severe Punishments Decreed.

More and more severe punishment for the violation of the law were demanded until those fixed therefor grew to be out of all proportion to the character of the offense. The penalties in many cases meted out for violation of the

prohibitory law were greater than that inflicted for any crime, other than murder, in the State. In the celebrated O'Neal case, in 1882, imprisonment for nearly 100 years was inflicted for selling liquors. In many cases, men were sent to prison for violating this law for longer periods than they could live.

Right of Trial by Jury Denied.

The prohibitory law declared any place, where liquor was kept or sold to be a nuisance, and then invoked the jurisdiction of the chancery courts to enjoin such nuisance, and thus the right of trial by jury was denied, and the constitutional right nullified.

The Accused Must Testify Against Himself—The Court a Prosecuting Officer.

Under what was called "The Disclosure" the fundamental principle that no man shall be bound to give evidence against himself was violated.

The statute imposed on the judge the duty of drawing out by "inquisition proceedings" the testimony upon which a prosecution might be founded, and on which a man might be brought before the same judge for trial who was thus constituted detective, prosecutor and judge in the same action. Under the "disclosure" proceedings every man arrested for intoxication must disclose to the *satisfaction* of the judge the place where and the person of whom he secured liquor, and if he did not so disclose he could be committed to jail. Under this provision, persons have been kept in jail for months because they failed to make a *satisfactory* disclosure. Before a person so committed could obtain his discharge, he must, under oath, testify to different facts than those to which he testified before his commitment, and the question naturally arises as to which time he told the truth. The law thus invited perjury.

These proceedings put a weapon in the hands of the malicious for satisfying personal grudges. Any man found drunk, or simulating drunkenness, could declare that he obtained his drink from anyone with whom he might be at enmity, and his word was by law a proof superior to any denials or testimony by friends that the accused might offer. No citizen, private or otherwise, was wholly safe from a charge of this kind, and the penalty was very severe. Under this statute a liquor seller dare not refuse to sell or give liquors to a drunkard or a minor because of the fear that such drunkard or minor might make a "disclosure" out of revenge, and subject him to prosecution.

Injunction.

Perhaps the most obnoxious provision of the prohibitory law was the so-called "injunction proceeding." This was briefly as follows:

Some person, responsible or irresponsible, might make a statement to a prosecuting officer that he thought liquor was kept in a certain place. The prosecuting officer must then go to the judge, without notifying the parties interested, and obtain a temporary injunction against the property to the effect that liquor should not be kept there, and make the owners, occupants, and all persons who had anything to do with the possession of the property, parties. All this was without hearing or notice of any kind. If the judge or prosecuting officer thought, or pretended to think, after the issue of this injunction that liquor was still kept in such place, the parties enjoined could be brought before the judge, and fined or imprisoned, or both, at his discretion, without a hearing before a jury. Such injunction was permanent, and ran against the defendant, and all other persons interested in the building or premises, their servants, agents, lessees and assigns. It was in the nature of an incumbrance upon the premises, and subse-

quent purchasers were bound to know and obey it. Under this law, the Supreme Court of the State held that a person who did not live in Vermont, provided he was the owner of real estate there, might be found guilty of maintaining a nuisance, and guilty of contempt of court, if his agent or lessee, although without his knowledge, and contrary to his express directions, suffered intoxicating liquors to be disposed of on his premises. Under this law, as sometimes happened, an innocent purchaser of an enjoined property, who was entirely ignorant of the injunction, might be convicted and subjected to a heavy penalty for the mere giving of a small quantity of wine to a sick friend.

Three Convictions for One Offense.

The law allowed three convictions for one offense—one for selling liquor, one for keeping the same liquor with intent to sell, and one for maintaining a nuisance by having the same liquor on hand to sell.

Conviction Rewarded by Fees and Share of the Fines.

To stimulate prosecutions under the law, the courts and prosecuting officers were given a share of the fines, and their fees were made contingent on securing conviction. These provisions opened an immense field to corruption, and the records of the courts show that the opportunity so presented was not often neglected. So expert did the court officers become that the fines were fixed at the maximum which the defendant could stand without driving him out of business. Care was taken not to do that. They were too shrewd to kill the goose that laid the golden egg. When, after resuming his business, the illicit seller had carried it on long enough to stand another fine, he was re-arrested and mulcted again, for the benefit of the officers. To illustrate by an instance. A liquor dealer at Middlebury, who had been convicted, was told by the justice that he should fine him $200. The man said that

this would force him to shut up business. The prosecuting officer took him to one side, and, after a consultation between them, the fine was fixed at $50, so he could go back to selling again. This was common practice. In this and other ways the law was so manipulated as to fill the pockets of the officers at the expense of the State, and a perfect machinery for official blackmail was provided.

Bible Wines

BY ALVAH HOVEY.

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We must close our examination of the Bible with regard to the claim that *yayin* and *oinos* are generic words, applied by the sacred writers with equal propriety and almost equal frequency to two kinds of grape juice, one unfermented and wholesome, and the other fermented and injurious. That claim we must reject as unsupported by any solid evidence. It is not for us to dictate to the inspired prophets and poets what they should say on the matter of wine drinking. If they solemnly and continually protest against drunkenness, and it is found that such wine as men now drink is always injurious to health and destructive of self-control, so that drunkenness is apt to result from the most cautious use of it, then entire abstinence is a duty If they teach us to have regard to the welfare of our fellows and to deny ourselves a luxury or pleasure for their benefit, we must abstain from wine as a beverage in case our use of it would lead them into peril. If they teach us to have a tender regard for the consciences of our brethren who may believe that total abstinence is a duty, but might be tempted by our example to drink, we should perhaps refrain for their sakes. If they require us to love our neighbor as ourself, and we are convinced that wine drinking is and must be a great evil in modern

society, we surely ought to abstain from the practice. If they leave us free to drink no wine, unless it be at the holy supper and in remembrance of the Lord's death, we need not hesitate to follow the narrow way of total abstinence for the good of all; but when the morbid consciences of good men summon us to impeach the Lord's wisdom or to tamper with evidence for the sake of saying that "the fruit of the vine" used by Him was unfermented grape juice, it is time to pause and consider whether our own consciences have not some right to be heard. When ardent men profanely say that if Jesus used wine having alcohol in it he was unworthy of a place in one of our churches it is time to protest against the shortsighted omniscience of modern reformers.

The subject of this paper does not embrace an examination of extra-biblical evidence bearing upon the question discussed, but the writer may be allowed to say that in a pretty thorough study of Philo, Justin Martyr and pseudo Justin Irenæus, Clement of Alexandria, Tertullian, Origen, Jerome, Augustine, Chrysostom and Thomas Aquinas, in so far as they speak of wine, he has discovered no traces of the use of *oinus* or *vinum* alone to denote unfermented grape juice, but abundant evidence that they all considered wine a liquor that would intoxicate when drunk freely enough, and that would exhilarate when drunk moderately. He has also found abundant evidence that many of the Christian Fathers were strenuous advocates of a most sparing use of wine, the young being urged to abstain wholly from it as a beverage, and especially young women, and the old to resort to it with the utmost caution; and he has found all these Fathers who treat the matter at all insisting upon the use of *wine mingled with water* at the Lord's table, but in no case suggesting that unfermented grape juice, or juice freshly pressed from grapes, would be suitable.

The Church and Politics

BY EDWARD ALLAN.

This is an era of reform—or rather of reforms—largely of reforms that do not reform.

Most prominent in the clamor for righteousness—that is the plausible if not veracious appellation of these reformatory manifestations—is the liquor question.

In some quarters it is labeled the "Temperance Question." Among people who are disposed to be truthful it is tagged the "Prohibition Wave."

Does any one of these titles reveal the true character of the movement? All spontaneous efforts for the betterment of sociological conditions have their origin among the people of this land usually with remarkable uniformity as to locality and creed and nationality. They move on to success or failure on their merits. The present prohibition wave—so-called—is an exception to this usual rule.

The late free silver craze was an instance of an issue which died on its merits.

But the "liquor question" is still with us in all its virulence, and is as far from settlement as it was fifty years ago.

The present uprising against the "rum power" is manifest in many quarters; not, however, as a spontaneous movement of the people anywhere, but as a convenient cloak for the ulterior purposes of a numerous religious sect which has long been fighting under cover, and is now

contending in the open for political control of our Government—State and national.

Men who study public movements of all varieties have been puzzled for some time by the continuing vitality of the present "anti-rum" outbreak, and by the precision with which its maneuvers have been directed by a hidden power.

The atmosphere is gradually clearing. The Methodist Church has cast off its temperance domino, has flung aside its mask, and is conspicuously waging a war for rulership in State and national politics. It has no chosen arms in this contest. All weapons are fitted to its hands and all alliances are welcome. "The end justifies the means" is apparently the watchword of the fray.

We read in the New Straitsville (O.) *Record* of September 11, 1908, that in Ohio, when twenty ministers recently met in church conclave, they so far forgot the object of their coming together that before discussing any church questions at all they passed a resolution "demanding" the nomination of a certain Senator who had been their servile henchman in the last General Assembly.

In the Cincinnati *Enquirer* of October 11th, we read the following:

CANNON'S COURSE.

DISAPPROVED BY THE METHODIST CONFERENCE OF MISSOURI.

SPECIAL DISPATCH TO THE ENQUIRER.

TARKIO, Mo., October 10.—The Missouri Conference of the M. E. Church to-day adopted resolutions expressing disapproval of the course taken by Speaker Cannon in holding up the interstate liquor shipment bill and urging all voters to support candidates for Congress who will not vote for the re-election of Speaker Cannon.

It is hardly possible to pick up a newspaper printed anywhere in the United States without finding some evidence of political interference in purely governmental affairs by the anointed of the Methodist fraternity acting and speaking *ex cathedra*.

In addition to opposing the re-election of Speaker Cannon, they were sufficiently active to prevent the re-nomination of Congressman John Jenkins in northern Wisconsin for the same reason that has aroused their animosity against Speaker Cannon; namely, official opposition to an unconstitutional interstate liquor shipment law.

These are minor evidences of wide-spread and thoroughly organized efforts of the Methodist Church to dominate and rule in State and nation.

Ohio is just now the storm center of the prohibition outbreak. The conspiracy in Ohio for Methodist supremacy had its inception shortly before the election of Governor John M. Pattison, who headed the Democratic ticket in the fall of 1906. Mr. Pattison's nomination was brought about by some strange combinations—as was his election.

The Democratic party, long in the minority in Ohio as elsewhere, had been held together for years by a remarkable body of loyal and sturdy men of earnest convictions and high ideals who were Democrats from principle. Trailing after these were the inevitable camp followers with a scent for office as keen as their lack of principle in ideals or methods.

These mercenaries, noting the growing trend towards "reform," and "temperance" became active in their search for a candidate who would loom in the public eye as an exponent of these tendencies.

No one has ever believed that the late Governor Pattison had any real ambition to be Governor of Ohio. Those best informed have always held the belief that he sought the office mainly for the power and opportunity it would give him to be of use to the corporation of which he was president, and to the promotion of which he had given the best years of his life.

This company has always been officered by Methodists,

and has its chief patronage among the adherents of that sect. It had prospered mightily in a business exploited along church lines, but at the time of Mr. Pattison's candidacy it was well represented in nearly every county in Ohio.

The hungry heelers of Democracy had not overlooked this fact, nor did the Anti-Saloon League with its Standard Oil sinews of war and its coffers replete with the offerings of favor-seeking trusts and corporations. For be it known that with the Anti-Saloon League in control of the Legislature, the purse strings of the favor-seekers were fairly floating in the breeze.

When the nominating convention met, Mr. Pattison was the only candidate presenting a show of organization and a compact array of delegates.

The agents of his insurance company in every county had hustled for the president of their company without regard to their personal political preferences. In fact, political preferences were of small significance in a campaign for Methodist Church supremacy, so what the insurance agent, usually a Methodist, could not accomplish in a county in the way of capturing delegates, was cheerfully attended to by the local Methodist preacher with the result that when the convention met, the "brethren" were in complete control of the situation.

No one had ever charged Mr. Pattison with being too strongly imbued with the tenets of Democracy. His environments were strongly Republican, and his ideas, in the opinion of men who knew him well, all leaned in the same direction. The old-time incorruptibles of the Democratic party viewed these tendencies as a leaning toward heresy, but the opportunists, with their hunger for office, welcomed success at any price.

Mr. Pattison was nominated by the efforts of the Methodist brethren, aided by the rank and file of the Democratic party who were notoriously opposed to every-

thing that Mr. Pattison stood for, but who were ready to vote anybody on the ticket who gave promise of success. Mr. Pattison was nominated.

When election day came the motley cohorts of Pattisonian Democracy marched to the polls and elected him.

The Methodist preacher and his psalm-singers and camp-meeting shouters rubbed elbows with the poll sellers, touts and gamblers, and the horse racing fraternity, all of whom were disgruntled at Governor Herrick for vetoing a race track, pool-selling bill. The Anti-Saloon League and its Standard Oil influence were in evidence on all hands. The corporations and trusts came down handsomely at the bidding of their Methodist allies, and the followers of Wesley found themselves easily in the saddle in their first openly conducted political effort for State domination.

The death of Governor Pattison followed. Later came the suits against the Union Central Life Insurance Company in large amounts for unpaid taxes brought by the treasurer of Hamilton County, Ohio. One of these bitterly contested legal battles has been waged to the Supreme Court of Ohio, and a decision (from which there can be no appeal) has been rendered against the company for something like one hundred and eighty-four thousand dollars; and the company has just effected a compromise of other pending tax cases by paying seven hundred and fifty thousand dollars into the county treasury.

It was unfortunate for Democracy that it should have been led by its hunger for the flesh pots of office into an alliance with any sect or creed. It was still more unfortunate that the sect scrambling for power should have chosen for its standard bearer a man who in his inaugural address exhorted for civic righteousness and the enforcement of the moral law, but who according to the late decision of the Supreme Court of Ohio, had failed to pay to the

treasurer of his home county the taxes due by the insurance company of which he was president.

Democracy was unwise and misled in selecting such a candidate. The Methodist Church, in its ambition to control politics and make itself a State power in Ohio, did only what might be expected of an organization of its nature when it voted unanimously, on the Democratic ticket, for a man who was not at heart a Democrat, and when it took up for its candidate and as the exponent of its morals a man who accepted the nomination chiefly because, in the opinion of those who were close to him, he hoped in the event of election to be powerful enough to cover up the tax omissions of his insurance company.

Governor Pattison was the only Democrat on the ticket who was elected, and he made public acknowledgment that he owed his election to the "great Methodist Church of the State of Ohio." Lieut. Gov. Andrew L. Harris was a Republican, and upon his accession to the throne, the Methodist contention for political power found a staunch supporter.

Caring no more for temperance than do the promoters of the conspiracy who use prohibition as a subterfuge for their political ends, Gov. Harris has been the pliant and subservient tool of the three forces which conspire to carry forward the Methodist supremacy idea.

Governor Harris is an astute cross-roads politician. With the face of a fox and the instincts of a weasel, he knows where the ducklings nestle and the broilers roost, and he goes after them. His cow-boy methods and stage-farmer make-up are cultivated for scenic effect. Realizing that the crop of Methodist votes harvested by Pattison would be a convenient and useful adjunct to his granary, he has used the power of his great office strictly and solely in the interest of the trusts and corporations, the Anti-Saloon League and the prohibitionists. These three forces

may be rightly labeled the Wallet, and the Brains and Right-hand of the Methodist Church, in its present contention for power.

The problem is an interesting one, and keen interest is felt in its working out.

The masses of the American people nominally educated, in the sense that a little schooling constitutes education, are asleep as yet to the portent of this church attempt to control in State and national politics. When the awakening comes, who can forecast the result? Will our people permit themselves to be bound in the chains of clerical slavery by the rack and thumb-screw methods of the middle ages, or will they arise in their might and rend the conspirators who are working to overturn the cherished doctrine of separation of the state and church, one of the boasted tenets of our governmental creed?

Time alone will tell, but there are those who predict that when the awakening does come, it will be a day of wrath and quick judgment.

Tax-exempt churches will not then be used as political rostrums for the enslavement of free Americans by any creed or sect. Let us hope that in the reckoning, justice and wisdom may prevail to the extent at least that the innocent may not suffer with the guilty.

1909.

Church and Legislation.

The following essay from the pen of Professor Denney appeared in the Toronto Sunday World of September 5, 1909, with the editorial preface which is here printed in full. Our regret is that this excellent dissertation on the relations of the church to the morals of legislation cannot be spread before every voter in the United States.

"In this issue the Sunday *World* departs from its usual form of short, succinct, pungent, practical editorial, in order to reprint in full the most remarkable essay in evangelical criticism that modern theologians have directed against the church itself, in the attempt to define the essential function and duty of the church. The essay is printed from *The British Weekly* and comes from the pen of Professor James Denney, a clear-visioned, sane and astute theologian. Put bluntly and concisely, Professor Denney says, in substance. 'Leave legislation and politics to legislators and politicians. It is the duty of the church to save souls.' But by all means read Dr. Denney's own words—every one of them—which follow."—Editor of the Toronto Sunday *World.*

Professor Denney writes from the standpoint of a Christian and an Englishman. His references are, therefore, of the New Testament, and are British and monarchical, but they are wonderfully pertinent to present conditions in the United States.

He first tells us that all men, however far they may be from agreeing in their conceptions of the kingdom of God, may agree upon one point, namely: That all the relations of life, all the activities of men should be regulated by the spirit and teachings of God. He then states:

"The question on which men's minds are not clear is what methods are open to the church in working toward this end. In particular they are not clear how far it is the duty of the church to work directly for such legislative action as may contribute to its attainment.

"Part of the difficulty we have in determining the duty of the church is due to the fact that in a modern European community the church and the state to a large extent consist of the same persons, and thanks to the truth covered in the term Christendom, have to a large extent the same ends. Both of them want to see the same or similar results, and the question which confuses many Christians is how far, for the attainment of these results, the church should directly aim at controlling the legislative action of the state. Is the specific end which the church has in view likely to be furthered when the church devotes a great part of its energy to a program which can only be carried through in Parliament?

"It is easy to understand why many should think it will be. Impulsive and generous natures, moved to the depths by the vested interests of iniquity which trample on human souls, and convinced that nothing but force can sweep them away, are ready to appeal to force. There is nothing they would not do to see this or that evil, which devastates the life of man, violently suppressed. They call loudly on the church to join them in appeals to the Legislature, sometimes they impeach the church of insensibility, and of contemptuous disregard for the spirit of its Master, if it is slow to respond to their call. Perhaps it does not occur to them that legislation is force. To legislate is to take the

sword, and while there is no doubt a power which has this as its divinely appointed function, it may well cross the mind of the church whether the function is hers. A church which is acting on society mainly through its action on the State may well have misgivings. One of the most penetrating minds of the Scottish Church, at the period when it was beginning to realize what all its national contendings brought in their train—Halyburton, professor of divinity at St. Andrews—expressed his doubts of a religion mainly taken up with state affairs; and in his later years, as we know, similar doubts vexed a Christian so disinterested in his public spirit as Dr. Dale. There is certainly something in this to ponder. It is not necessarily what is wisest and best in us which believes in short cuts and compulsory methods. It is quite as probable as not that Jesus wished to correct this misdirected ardor, when He said, 'The kingdom of heaven suffereth violence, and the violent take it by force.'

"Age according to Goethe, makes us all quietists, but it is not age only which makes us skeptical about the law, or about legislative methods, in relation to the kingdom of God. No doubt there are good laws and bad laws; laws which, so to speak, provide a good soil for the seed of the kingdom by providing a sound environment for life to grow in; or which, on the other hand, maintain an environment practically fatal to any higher life. There are good laws and bad laws, and in a free country it is for the citizens to apply their intelligence and conscience to the subject, and to make the laws as serviceable as they can be made to the common good. But all who have thought deeply about human affairs, or, to put it less arrogantly and more truly, all who have felt deeply with human beings, know that when the laws have done their utmost the whole work of the church remains to be done. We do not need to be cynical, and say, with Tacitus, the multiplication of laws measures

the decay of the state. But who does not feel that the much experienced, deeply sympathizing soul of a great and good man is revealed in the exquisite lines which Johnson contributed to Goldsmith's 'Traveler':

> 'How small, of all that human hearts endure,
> That part which laws or kings can cause or cure!"

"It is the large outstanding part with which the church must always be mainly concerned. Of all the wonderful expressions in St. Paul, there is none which at the present moment better merits reflection than that which stands at the head of the most glorious chapter in the New Testament —what the law could not do. There is no reason for the tense: it may just as well be rendered in the present. *What the law cannot do*—what no law can do, whether it issue from Sinai or from Westminster: this is the subject of the gospel, and the main concern of the church.

"It is one drawback to the faith in legislation which seems to prevail in certain quarters that it tends to throw into the background the things which should be central. Men look for a new heaven and a new earth to acts of Parliament, and all the time sin and death are outstanding quantities, neglible remainders, apparently, to be thought about after the bills have been carried which are to make everything else new. A disposition is fostered which expects from law what law can never yield, and every advance in legislation is followed by a disappointment, not rarely by a reaction. It is not sufficiently considered that the law, which registers the average sense of right and wrong in the community, is only a challenge to the ingenuity of the bad; it does nothing to make them good. Frame it as subtly as men will, it is only a document after all, and the chances are that the wild living intellect of man will get around it somehow. The church's direct interest is not in framing acts of Parliament, no matter how Christian their

motive; it is in regenerating men, who will give expression, indeed, to their new life, in their laws as in all their activities, but who, just because they are what they are in entire independence of the laws which they make, will have no vain expectations of what these laws will do for others.

"It is another drawback to the church's disposition to rely on what the state can do that it tends to introduce the temper and the antagonisms of the state into its own body, and to perplex rather than guide its members in their action as citizens. A self-governing country is one in which the various interests of the citizens secure their rights by a continuous process of conflict and adjustment. It is a country governed by parties and by compromises between them. It is not accidental but inevitable that one of these parties should be more stationary and the other more progressive; that one should represent the experience (and the prejudices) of the people, the other its inspiration (and its fads). There is no reason why there should not be Christians in both. It was a youthful indiscretion of Professor Drummond when he said that Liberalism is Christianity in politics. But when the church identifies itself with this or that policy in legislation, what is the result? It is either that it becomes identified with one political party to the exclusion of the other—as if a man could not be a Christian and a Conservative, or a Christian and a Liberal, at the same time; or that it aspires to act in politics as a non-partisan, or purely Christian party. Both have been seen. The writer has been present at the session of a church court 'on public questions,' which passed *nem. con.* a series of resolutions that would have been entirely appropriate at a Radical meeting; the defense was that this was the attitude forced on it by another branch of the church which consistently acted in the opposite sense. Whatever the cause, the result was surely deplorable, for the church must lose fatally in its power to affect public life if it does not

number among its sincere and devoted members those who can carry its spirit into the organizations by which public life is inevitably controlled. As for a specifically Christian party, much as it has been talked of, it is hardly worth discussing. The existing parties have been naturally produced, and will be naturally maintained, by political causes, and like everything else in the world they are there to be Christianized. If they cannot be Christianized, then politics is doomed to be an unchristian business; if they can, the specifically Christian party is superfluous. We may thankfully accept the latter alternative as the true one; for a party which failed to see that the natural organization of political life in a free country had something inevitable in it could only degenerate into ineffective Pharisaism and pedantry.

"The conclusion to be drawn is that the church will not only do its immediately Christian duty best, but best serve the state, if it leaves legislation to the institution to which in the divine order it belongs. It lies properly within its duty to promote temperance, but it is as completely mistaken when it petitions for Mr. Asquith's bill as when it petitions for or against Mr. Balfour's. What is wanted is that its members act in either case with the sense of responsibility to Christ, not that the church as a body identify itself with a given policy. It may be properly eager to close public houses; but what it has mainly to remember is that they would all close automatically, within the briefest of time limits, if nobody went in; and that till they are closed so, the interests of the kingdom of God are not sensibly affected one way or another. It may be properly interested in the material well-being of all men; but it is no part of its function to support anybody's right-to-work bill. It needs more than good will to act in such things; it needs an intelligence of conditions which it is no part of the church's business as a body to understand. The church's business

remains, it may be said, when economic security has been achieved. It is not economic security which is going to secure the kingdom. It is some degree of insecurity—it is the painful necessity of being anxious about our livelihood—that generates the elementary virtues of industry and honesty on which the stability of society depends. If every man and woman in the British Islands had a hundred pounds a year absolutely secured, the real question would be, not whether the kingdom of God had come, but whether the country was habitable for decent people. All concentration of mind on legal methods for attaining this or that end, even in the moral world, is indirectly prejudicial to Christian character, because it destroys the sense of moral proportion."

"The Change in the Feminine Ideal"

No one will attempt to deny that Margaret Deland, the well-known authoress, is capable of speaking wisely on questions of public interest. Her "Old Chester Tales" alone have won for her a permanent place in the respect and affections of the reading public. The brain that could create good old "Dr. Lavendar," and endow him with the wisdom to deal with the emergencies with which he is confronted, must have a large faculty for philosophy in all directions.

Under the title "The Change in the Feminine Ideal," Mrs. Deland contributed a very able article to the March, 1910, number of the *Atlantic Monthly*. As a portion of the article falls in line with the subjects of this volume, we herewith reproduce it:

"The New Woman tried to reform details, to check symptoms. She would cut off the branches of evil, overlooking the root deep down in human nature; she would, in fact, produce spirituality by legislation, forgetting that the Kingdom of God is within us—must be within us! But the process with which Nature works to build that kingdom is too slow for her fury of impatience for goodness.

"Hot with her new sense of social responsibility, she says drunkenness is of the devil; and the advocates of high license are procurers to the lords of hell. She is going to shut up the saloon—just as the pressure of her

influence has already abolished the canteen in the army, with a corresponding and awful increase of drunkenness. The education of self-restraint has no part in the New Woman's scheme of reform. She does not take into account the slow and painful process of evolution which has, in a hundred years, brought about a finer temperance than our forbears could have dreamed of, in the days when it was gentlemanly to roll under the table after dinner. Yet think what it means to character to be temperate, rather than to be carried about, whither one would not, in the strait-jacket of legally enforced total abstinence!—to say nothing of the criminals that such enforcement would inevitably create out of decent folk.

"With the ballot in her hand, the New Woman would make laws to prevent drunkenness. In other words, she seems to confuse a purely individual issue with a social issue. She would bend society to the needs of the individual, for her conviction of the necessity of legislative interference spring so often from personal experience. Women suffer from the curse of liquor as men do not. The drunkard suffers in his own person, as he deserves to do; but his wife or mother suffers because he suffers. Stinging, then, with her personal misery, the New Woman says, 'I will close the saloons so that temptation shall be removed,' —with never a thought for the education it would be to some other woman's son to learn to pass that saloon without going in; still less does she reflect upon that nobler education of moderation which means the sane use of liquor. Yet which is better—to remove temptation, or to teach people to overcome temptation? To prevent badness is to prevent goodness, for an unwilled action has no moral significance. And certainly the highest righteousness includes the highest power of being bad if you want to be."

Limitations of Reform

The following excerpts are from a contribution of Governor Joseph W. Folk, of Missouri, to the *Saturday Evening Post.* The article is entitled "The Limitations of Reform." The question is handled by Governor Folk with such breadth of understanding that it possesses unusual merit.

For instance, in the article we find this striking sentence:

"The laws should go no further than to protect each man in his rights; when a law goes further than that in an attempt to make bad people good, it must in the nature of things be futile. We can not hope to change the hearts of men by law, and only have the right to keep them from infringing on the rights of others."

Mr. Folk also strikes a live keynote when in his article he says:

"Sometimes reform may go mad and become fanatical, thus endangering the things it should protect and reform."

But the real breadth of Mr. Folk's discussion is shown in the following:

"The right to worship God according to the dictates of one's own conscience was fought for for years, and finally established in this country. We can not compel men by law to worship in any particular place, or any particular way, or to worship at all. We may go to church on Sunday and think that others should do likewise, but we can not compel others to do so, nor can others prohibit us. One

who desires to worship in a particular way, not inconsistent with public morals, has a right not to be disturbed by others who do not desire to worship as he does."

And then touching on reform and the position it should occupy the ex-governor very truthfully says:

"Reform is the medium between revolution and fanaticism. The greatest enemy of reform is fanaticism, and the effort should be to keep reform from becoming fanatical attempts to control the conscience of all in accordance with our own."

Of the reform battle between dollars and morals Mr. Folk says that the effort should be to maintain inviolate the principles of self-government—"to secure the largest liberty of the individual consistent with law and order."

The real cap-sheaf of Mr. Folk's able article is found in its closing sentence:

"The object of all real reform is freedom. Freedom must be safeguarded by law and the 'limitation of freedom is fair play.'"

The Committee of Fifty

A REVIEW OF REPORT AS TO THE SOCIAL ASPECTS OF THE SALOON IN GREAT CITIES.

In presenting to our readers some comments on the report of the Committee of Fifty, concerning the "Social Aspects of the Saloon in Great Cities," a few words of explanation may be necessary that those who have not followed the history of the "Committee of Fifty to Investigate the Liquor Problem," may be informed as to the nature of this committee, and the scope of its work.

The investigations of this committee were pursued through the labors of sub-committees appointed to study special phases of the liquor problem, and the results were given to the public in six books bearing the following titles:

"The Liquor Problem in Its Legislative Aspects" (one volume).

"Economic Aspects of the Liquor Problem" (one volume).

"Substitutes for the Saloon" (one volume).

"Physiological Aspects of the Liquor Problem" (two volumes).

"The Liquor Problem—A Summary of the Investigations Conducted by the Committee of Fifty, 1893-1903" (one volume).

All of the above are published by Messrs. Houghton, Mifflin & Company, Cambridge, Mass., and form a record well worthy of perusal by every earnest student of great sociological questions.

The work of the "Committee of Fifty" is accepted as the most thorough and impartial investigation of the liquor question ever made in the United States.

And who compose the "Committee of Fifty?"

From the preface of the volume above referred to, entitled "The Liquor Problem in Its Legislative Aspects," we glean the following facts which enlighten us as to the origin of this "Committee of Fifty":

"For several years, beginning in 1889, a group of fifteen gentlemen who came to be known as the Sociological Group, prepared some papers on subjects in sociology, which were published in *The Century Magazine,* and in *The Forum.* * * * Meetings of the group were held from time to time in New York City, at which there was a useful interchange of opinion on various social topics. In 1893 these gentlemen decided to enlarge the number of the group to fifty, and to concentrate their attention on the liquor problem in the United States. * * * The members of the committee bore their own traveling expenses; but a few thousand dollars were raised by private subscription, mostly in New York and Boston, to defray the expenses of their investigations."

Naturally a committee composed of fifty men, the majority of them past middle life, is subject to changes caused by death or resignation, but in 1905 the officers and members of the committee were the following:

OFFICERS.

President—Hon. Seth Low, LL. D.
Vice-President—Charles Dudley Warner, Esq.
Secretary—Prof. Frances G. Peabody, D. D.
Treasurer—Wm. E. Dodge, Esq.
Executive Board (the above named officers and)—Dr. J. S. Billings; Charles W. Eliot, LL. D.; Col. Jacob L. Greene, and Hon. Carroll D. Wright, A. M., LL. D.

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Rev. S. W. Dike, LL. D.,
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Richard W. Gilder, Esq.,
Dr. E. R. L. Gould,
Col. Jacob L. Greene, LL. D.,
Dr. Edward M. Hartwell,
Rev. W. R. Huntington, D. D.,
Wm. Preston Johnston, LL. D.,
Prof. J. F. Jones,
Hon. Seth Low, LL. D.,
James MacAlister, LL. D.,
Rt. Rev. Alexander Mackay-Smith, D. D.,
Prof. J. J. McCook,
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Rev. Prof. Francis G. Peabody, D. D.,
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Rev. W. I. Rainsford, D. D.,
Jacob H. Schiff, Esq.,
Rev. Prof. C. W. Shields, D. D.,
Prof. W. M. Sloane,
Charley Dudley Warner, Esq.,
Dr. Wm. H. Welch,
Frederick H. Wines, LL. D.,
Hon. Carroll D. Wright, A. M., LL. D.

It would be difficult to select fifty men of higher character and scholarship in various channels of intellectual effort than are found on the roster of this committee. This report is entitled to entire confidence because everything given by this committee to the public carries the impress of earnest effort and absolute fairness in the conduct of their investigations.

The significant feature of the reports made by the sub-committees appointed for special local study, and later published as the report of the entire Committee of Fifty, is the uniformity of the information gleaned by investigation in Chicago, New York, Boston, San Francisco and Pittsburg. Concerning all of these great cities, centers as they are of varied and extensive industries, and teeming with a foreign and liquor-consuming population, the re-

ports are at one in declaring that the saloons fill a social need as the clubs and meeting-places of men of small means. We here quote a few pertinent paragraphs from the volume, "Economic Aspects of the Liquor Problem":

"Latterly men have begun to inquire whether, after all, current views have consigned the saloon to its proper place in our social economy. If the saloon be but a destroying force in the community, how could it thus long have escaped destruction? Since the saloon remains, is it not probable that it ministers to deep-rooted wants of men which so far no other agency supplies?"

Speaking of the saloons in the Jewish quarter of New York City, south of East Houston Street and east of the Bowery, the committee says:

"Here then, we find saloon keepers and saloon patrons of a most abstemious race, thrifty often to penuriousness, among whom drunkards are exceedingly rare. Yet they drink, and the saloon is to them an important institution."

Of the saloons in the Italian quarter the committee says:

"Drinking to the point of intoxication is the exception in these saloons, for the Italians are a temperate people. To them the saloon means, in the first instance, social opportunity unpurchasable elsewhere for any price within their reach, and without which their lives would be a dreary waste. Drink, though inseparable from the saloon, does not appear to be indulged in by a majority for drink's sake, but as a means to greater sociality and an unavoidable tribute for the privileges of the place."

As to German saloons the committee remarks:

"The characteristics of the ordinary German beer shops, such as abound in the typically German districts, are so generally known that little need be said about them. One observes in them a large consumption of beer and various foods, little visible intoxication, and an air of heartiness

(*Gemuthlichkeit*) all the German's own. It is expected that the patron will take his ease here, every convenience being afforded for that purpose, and other means than drinking are at hand to pass the idle hour.

"In the degree that beer to the German is a necessity of life, in the same degree the saloon stands for beer-drinking, but not for a place of inebriation. If it were but this, would the self-respecting German workman take his wife and other female members of his family there? A craving for *Geselligkeit* (sociability) is probably more developed among the Germans than among any other people. The saloon provides the only place in which it can be obtained for a nominal price by thousands of sober and thrifty Germans.

"The tavern instinct of our Saxon forefathers is the chief impulse, aside from the drink itself, which draws their hosts within the saloons that line our streets. This instinct must be reckoned with."

Prof. Walter A. Wyckoff, famous for his first-hand studies of social conditions, thus expresses his views as to the saloon:

"It is a serious mistake to suppose that saloon keepers as a class are bent upon the destruction of their fellow-men and callous to any appeal for help from their victims. They are often men of quite singular practical helpfulness to the people about them.

"The saloon in relation to the wage-earning classes of America is an organ of high development, adapting itself with singular perfectness in catering in a hundred ways to the social and political needs of men."

The committee devotes a special volume to the subject—"Substitutes for the Saloon." It concedes that the saloon is "the poor man's club in that it offers him, with much that is undoubtedly injurious, a measure of fellowship and recreation for which he would look elsewhere in vain."

It points out also that "the laboring man out of employment knows that in some saloons he is likely not only to find temporary relief, but assistance in finding work. * * * Many a man has been put on his feet by just this kind of help."

The committee asks in conclusion, "Are there any true substitutes for the saloon in New York?" And it thus answers the question:

"We do not believe that the saloon keeper considers that he has other serious rivals than those competing with him for trade."

They tell us explicitly that the saloon is the "Poor Man's Club"—the social resort of people who live under meager and huddled conditions, and that, in the saloon, men of humble means meet for social enjoyment and not for purposes of excess in the use of liquor.

What is true of these large cities which were selected as special object-lessons of saloon depravity, is unquestionably true in greater degree of towns and cities of smaller size. The great cities failed to furnish the expected mines of iniquity in saloon life, and the report made of actual conditions tends to prove that the saloon fills a want in the social life of the toiling masses of dense populations that has thus far never been supplied by any other agency.

The riot of excess and depravity claimed by anti-saloon agitators as inseparable from saloon life, was not found to exist at all by the fair-minded representatives of the Committee of Fifty.

We quote from page 213, "Economic Aspects of the Liquor Problem":

"If, then, these saloons do not personify drunkenness or crime, they must exist because of some more worthy and more normal motive, and must supply some more characteristic need."

The need supplied is that of a place for the gathering of men, who, with the human instinct of fellowship, long for an exchange of ideas on topics bearing upon their mutual every-day life.

The saloon is comfortable at all seasons. Its warmth in winter is attractive. Its electric fans in summer mean surcease of torture to the overheated denizens of tenement living-rooms.

The purchase of drink is not compulsory. The tables and chairs are free to all who are orderly. Within its walls all may meet upon terms of equality and with democratic freedom of speech.

Intemperance is the rare exception, and never the rule, in city saloon life.

The boniface does not desire to destroy his patrons, as some of the prohibition exhorters would have us believe, and he frequently warns them against excess.

He does this for several reasons. Drunkenness is always unprofitable to the retail liquor dealer; and he urges moderation from the better motives of decency and right-mindedness. The saloon keeper is rarely as dark as he is painted by those who oppose his calling.

The average man of wealth or even of moderate means perhaps does not realize that millions of our population have no parlor or sitting-room or library, into which a friend can be invited for a social chat or for the discussion or transaction of necessary business. The saloon is parlor, sitting-room and library all in one, for thousands of our people. Yes, library—for many of the city saloons supply newspapers and periodicals to their patrons, and this is about all the reading which many of their patrons have leisure to accomplish.

The selfishness of prosperity is responsible for much of our misconception and misunderstanding of the problems of life. We realize but slightly the longings, the aspira-

tions, the disappointments of the myriads of the under world whose lives are tuned to minor keys, but whose human yearnings are as potent and as deep-seated as our own.

Comradeship, fellowship, the social instinct, call it what you will, is as strong in the breast of the hod-carrier or the street cleaner, as in that of the capitalist or the millionaire. These human traits will manifest themselves in all men, and will insist upon some means of expression and gratification.

The committee refers to the "waste" incident to the saloon. To some minds the nickel spent for a glass of beer or for the more generous "growler" of beer, is a waste. To these critics the purchase of a case of wine for one's cellar comes under the head of necessary household expense. Much depends upon the point of view.

The fact remains that nothing has yet been found to supplant the saloon or fill the social wants which it supplies. So long as human nature is what it is, so long will these needs remain to be supplied. The Committee of Fifty tells us all this, and more, had we the space to reproduce its full report.

When it ventures beyond the confines of the cross-roads, why does the Anti-Saloon League fail in its appeals to the public to extirpate the saloon?

Urban life is broad and cosmopolitan. The spirit of "live and let live" thrives in the city. In great cities people do their own thinking and solve their urgent problems of existence promptly and unhesitatingly. In the country the problems of life are not so critical, and are usually left to solve themselves. Saloons in the great cities are conducted on rational lines, and to meet certain requirements of environment. In the country districts they are frequently plague spots of excess and disorder.

The findings of the Committee of Fifty elucidate all

these points, and its verdict is frankly favorable to the city saloon in its social aspects.

No stronger argument in favor of the control and regulation of the saloon and against its abolishment can be found than is offered by this report of the Committee of Fifty.

Having demonstrated the necessity for its existence, the only question remaining is as to its proper conduct.

There are upon the statute books of every State of the Union more than enough laws, were they fully enforced, to insure the maximum of propriety in the carrying on of the retail liquor business throughout the United States.

This confirms the oft-repeated assertion that the saloon, like the hotel, the restaurant, and all other callings catering to public patronage, is just what its class of patronage demands. The spring never rises higher than its source. As the community is, so will the saloon be.

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